

**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

**CRM-M-41038-2018
Date of decision: 08.04.2019**

Satpal Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- None for the petitioner.

Mr. M. S. Nagra, AAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of regular bail in FIR No.54 dated 15.05.2018 registered under Section 21 of the NDPS Act at Police Station Badhni Kalan, District Moga.

On 26.03.2019, the following order was passed:

“Counsel for the petitioner has submitted that as per the allegations in the FIR, the police party apprehended the petitioner and on suspicion, he was given a notice to be searched before the Gazetted Officer or the Magistrate. When the petitioner consented to be searched by the Investigating Officer, recovery of 05 gms of intoxicant powder was effected from the shirt of the petitioner. Counsel for the petitioner has further submitted that, thereafter, personal search of the petitioner was also conducted and Rs.120/- was recovered. It is further submitted that, thereafter, during the police custody, the disclosure statement of the petitioner was recorded, which was witnessed by ASI Ravi Pal, who was the first Investigating Officer when the recovery of 05 gms of Heroin was effected and the second witness was HC Iqbal

Singh, who was also witness to the first recovery. On the basis of the disclosure statement of the petitioner, 120 gms of intoxicant powder was recovered near from the wall of the telephone exchange. Counsel for the petitioner has further argued that when the disclosure statement of the petitioner was recorded, which was followed by the alleged recovery of 120 gms of intoxicant powder, no safeguard was provided to the petitioner as even, the said disclosure statement was never got attested by the Investigating Officer from the concerned Illaqa Magistrate and the petitioner was neither produced before the Illaqa Magistrate at the time of recording of his disclosure statement nor for the purpose of verifying the same by the Magistrate. List again on 08.04.2019. In the meantime, the petitioner is directed to appear before the trial Court and the trial Court will release the petitioner on interim bail subject to his furnishing bail/surety bonds.”

Today, there is no representation on behalf of the petitioner.

Learned counsel for the State, on instructions from ASI Sewak Ram, submits that in pursuance to the order dated 26.03.2019, the petitioner has appeared before the trial Court and he has been released on interim bail.

In view of the above, the petition is allowed and order dated 26.03.2019 is made absolute.

08.04.2019

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No