

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-4848-2019 (O&M)
Date of decision: 07.01.2020

Roshan Lal @ Rosha

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. K.S. Dadwal, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.88 dated 17.05.2018 under Section 22 of NDPS Act, registered at Police Station Model Town, District Hoshiarpur.

Learned counsel for the petitioner has relied upon the consent memo recorded by the Investigating Officer prior to conducting the search and personal search of the petitioner as well as effecting the recovery, in which the complete details of the FIR are given.

Learned counsel for the petitioner has argued that at the stage, when a notice under Section 50 of NDPS Act, on apprehension or suspicion that a person is carrying some narcotic, was served and consent was taken, the police officer could not pre-empt that suspect is carrying any narcotic and therefore, giving details of the FIR in the consent memo raises a suspicion.

Learned State counsel has shown the original consent memo, in which the FIR No.88 is mentioned in different pen and even signatures of the accused as well as the Investigating Officer are in different pen.

Without commenting anything on merits of the case, considering the fact that the petitioner is in custody since 15.12.2018 and out of total 09 prosecution witnesses, only 01 PWs has been examined so far, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate, concerned.

Petition is disposed of.

Anything observed in this order shall have no bearing on merits of the case.

[ARVIND SINGH SANGWAN]
JUDGE

07.01.2020
vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No