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

CRM-M No. 6406 of 2020 (O&M)
Date of Decision: 12.11.2020

Kulwinder Singh

-Petitioner

Vs

State of Punjab

-Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. F.S. Virk, Advocate,
for the petitioner.

Ms. Jaspreet Kaur, A.A.G., Punjab.

RAJ MOHAN SINGH, J. (ORAL)

The case has been taken up for hearing through
video-conferencing.

CRM-27883-2020

Prayer in this application is for placing on record
accompanying document (Annexure P-4).

For the reasons mentioned in the application, the
same is allowed and the accompanying document i.e. challan
under Section 173 Cr.P.C. is taken on record, subject to just
exception.

Main case

Petitioner seeks grant of regular bail under Section

439 Cr.P.C. in case bearing FIR No.126 dated 28.09.2019 under Section 22 of NDPS Act registered at Police Station Shambhu, District Patiala.

As per allegations, 04 strips of intoxicant injections Buprenorphine Injection IP 2 ml LEEGESIC each strip containing 05/05 injections total 20 injections were recovered from the petitioner.

FIR was registered on the basis of secret information. Instead of opting for search before the Gazetted Officer or Magistrate, the petitioner allegedly reposed faith in the Investigating Officer. Thereafter, the Investigating Officer proceeded to effect recovery from the petitioner.

Learned counsel for the petitioner submitted that in view of **State of Rajasthan vs. Parmanand and another, 2014 (2) RCR (Criminal) 40** and **Vijaysinh Chandubha Jadeja vs. State of Gujarat, 2010(4) RCR (Criminal) 911**, petitioner was required to be brought before the nearest Magistrate in order to impart transparency, authenticity and creditworthiness in the prosecution case.

Petitioner is in custody since 28.09.2019.

Petitioner is not involved in any other case as per the custody certificate submitted by learned State counsel.

Owing to the situation arising out of pandemic COVID-19 and without meaning anything on the merits of the case, the petition is allowed. Petitioner is directed to be released on regular bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of trial Court/concerned Duty Magistrate.

Nothing expressed hereinabove would be construed to be an opinion on the merits of the case.

12.11.2020
Jyoti Sharma

(RAJ MOHAN SINGH)
JUDGE

1. Whether speaking/reasoned : Yes/No
2. Whether reportable : Yes/No