

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

1. CRM-M-9824-2020

Karmjeet Singh

...Petitioner

Versus

State of Punjab

...Respondent

2. CRM-M-12334-2020

Lakhwinder Singh @ Lakha

...Petitioner

Versus

State of Punjab

...Respondent

Date of decision: 10.07.2020

CORAM:- HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. R. K. S. Brar, Advocate
for the petitioner in CRM-M-9824-2020.

Mr. N. K. Manchanda, Advocate
for the petitioner in CRM-M-12334-2020.

Mr. Rana Harshdeep Singh, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

This common order shall dispose of above noted two petitions
as they arise out of the same FIR.

These petitions have been filed under Section 439 of the Code
of Criminal Procedure for grant of regular bail to petitioners Karmjeet Singh

and Lakhwinder Singh @ Lakha in case FIR No. 221 dated 25.11.2019, registered under Sections 15 and 25 of the Narcotic Drugs & Psychotropic Substances Act, 1985 at Police Station Jhunir, District Mansa.

Learned counsels for the petitioners submit that both the petitioners are in judicial custody since 25.11.2019 and they are not involved in any other case.

It is further argued that as per the allegations in the FIR, the Investigating Officer, when apprehended both the petitioners, gave them notice under Section 50 of the NDPS Act, in which the petitioners gave consent to be searched by the Investigating Officer and not before a Gazetted Officer or a Magistrate and thereafter, the same Investigating Officer conducted the search and recovered 60 Kgs. of *Dodapost* from the petitioners.

Learned counsels for the petitioners further submit that it will be a debatable issue during the course of trial whether a proper procedure was followed during investigation or not.

Learned State counsel has filed custody certificates, as per which, the petitioners are not involved in any other case. It is further submitted that though the charges have been framed, however, no prosecution witness has been examined so far.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the facts that the petitioners are in judicial custody since 25.11.2019 and conclusion of trial is likely to take some time, the instant petitions are allowed and petitioners Karmjeet Singh and Lakhwinder Singh @ Lakha are

ordered to be released on regular bail on their furnishing bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate concerned.

A photocopy of this order be placed on the file of other connected case.

10.07.2020

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No