

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-10024-2020 (O&M)
Date of decision: 29.07.2020

Lachhman Singh @ Lachh and another

... Petitioners

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. B.S. Jatana, Advocate
for the petitioners.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.281 dated 01.09.2019 under Section 22 of NDPS Act, registered at Police Station Sadar Mansa, District Mansa.

Learned counsel for the petitioners submits that as per allegations in the FIR, the police party headed by ASI Kulwant Singh apprehended the petitioners and after they disclosed their names and identity, he checked the black coloured kit in their possession and on opening, found 18 vials of Onerex and 18 strips of Carrisoma 10 tablets in each strip, total 180 tablets of WALLACE company, which does not fall in the category of narcotic substance.

The total weight of 18 vials was 1800 grams, which is more than commercial quantity. It is further submitted that the complainant and the Investigating Officer are the same person, therefore, it will be a debatable issue during the course of trial whether in view of judgment in **Mohan Lal Vs. State of Punjab, 2018 AIR (SC) 3853**, proper procedure was followed or not. It is also submitted that the petitioners are first offender and are in custody for the last 10 months and 25 days and due to COVID-19 pandemic situation, the trial is not proceeding further.

Learned State counsel has filed the custody certificates of both the petitioners and has not disputed the factual position. The fact that the complainant and the Investigating Officer are the same person, is also not disputed at this stage. It is further submitted that challan stands presented and the case is now fixed for recording the prosecution evidence.

Without commenting anything on merits of the case, considering the facts and circumstances of the case, this petition is allowed and the petitioners are directed to be released on regular bail subject to furnishing their bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate, concerned.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

29.07.2020
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No