

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

**CRM-M-14711 of 2020 (O&M)
DATE OF DECISION : 25.08.2020**

Rahul

...Petitioner

Versus

State of Punjab

...Respondent

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Sandeep Verma, Advocate,
for the petitioner.

Mr. Sidakmeet Sandhu, AAG Punjab.
(Presence marked through video conference)

ARUN MONGA, J. (ORAL)

1. The petitioner is seeking regular bail in FIR No. 22 dated 27.06.2019, registered under Section 20 of Narcotic Drugs and Psychotropic Substances Act, 1985, Police Station GRP Patiala, District Patiala.
2. Per FIR, on 26.06.2019, a police party was present at Platform-1 of Patiala Railway Station in connection with routine checking. On the basis of suspicion, the petitioner was apprehended. His search was carried out in presence of a Gazetted Officer and 34 Kgs of "Ganja" was recovered from the bag carried by him. Case was registered and petitioner was arrested.
3. Learned counsel for the petitioner further submits that though it was a chance recovery, the personal search of the petitioner was conducted and, therefore, it will be a debatable issue during the course of trial whether compliance of Section 50 of the NDPS Act will come into play or not. Learned counsel further submits that the complainant and the Investigating Officer are the same person and no second Investigating Officer was called at the spot

despite the fact that Hon'ble Supreme Court has issued guidelines in this regard in **Mohan Lal vs. State of Punjab, reported as 2018 (3) Law Herald (P&H) 2397 (SC)**. Learned counsel for the petitioner further submits that the petitioner is in judicial custody for about one year and two months and the trial is not proceeding on account of outbreak of COVID-19 pandemic.

4. Learned State counsel opposes the bail plea, but he admits that petitioner is in custody for more than a year and presently there is no headway in the trial due to Covid-19 pandemic.

5. I have heard learned counsel for the parties.

6. Without commenting upon the merits of the case, considering the aforesaid submissions of learned counsel for the parties, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

7. Petition stands allowed accordingly with a liberty to the State that in case while on bail, petitioner is found involved in offence of similar nature, the prosecution would be at liberty to seek cancellation of his bail.

August 25th 2020

Jiten

(ARUN MONGA)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No