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

**CRM-M No.15525 of 2020 (O&M)
Date of Decision: 16.07.2020**

DALJINDER SINGH @ DULLA

.....Petitioner

Vs

STATE OF PUNJAB

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Kanwaljeet Singh, Advocate
for the petitioner.

Mr. S.P.S. Tinna, Addl. A.G., Punjab.

RAJ MOHAN SINGH, J.(Oral)

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

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.56 dated 12.04.2020, registered under Sections 22 & 25 of the NDPS Act and Section 188 IPC at Police Station Dakha, District Ludhiana Rural.

Petitioner has also prayed for interim bail till receipt of FSL in alternative.

Vide order dated 01.07.2020, the petitioner sought to bring on record the police proceedings after lodging of the FIR.

FIR was lodged on the basis of secret information. Petitioner has placed on record consent memo dated 12.04.2020 along with notice under Section 50 of the NDPS Act of the even date. As per consent memo, petitioner allegedly reposed faith in the Investigating Officer for conducting his personal search as well as search of motorcycle in his possession.

In view of ratio of **State of Rajasthan vs. Parmanand and another, 2014(2) R.C.R. (Criminal) 40** and **Vijaysinh Chandubha Jadeja vs. State of Gujarat, 2014(4) R.C.R. (Criminal) 911**, though Section 50 of the Act gives option to the empowered police officer to take the accused either before the gazetted officer or Magistrate in order to impart authenticity, transparency and creditworthiness to the prosecution story and an endeavour should be made to produce the suspect before the nearest Magistrate at the first instance as the Magistrate enjoys more confidence of the common man as compared to any other officer.

FSL report has not been received so far. The FIR itself was registered during the period of pandemic COVID-19.

At this stage, without advertng to the merits of the case, I am of the view that petitioner, who is in custody since

12.04.2020 can be enlarged on interim bail in view of law laid down by this Court in **Inderjeet Singh @ Laddi vs. State of Punjab, 2014(3) R.C.R. (Criminal) 953** till the receipt of FSL Report.

In view of above, petitioner is ordered to be released on interim bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/concerned Duty Magistrate.

After receipt of FSL report, the petitioner would be at liberty to file fresh petition in accordance with law.

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

Disposed of.

July 16, 2020

Atik

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No