

Sr. No. 216

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

CRWP-3991 of 2020 (O&M)

Date of Decision: 19.06.2020

Konan Martine

...Petitioner

Versus

State of Punjab & Anr.

... Respondents

CORAM:- HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mohit Nehra, Advocate
For the petitioner.

Mr. Luvinder Sofat, AAG, Punjab.

ARUN MONGA, J. (ORAL)

1. Pursuant to order dated 03.06.2020 passed by this Court in CRM-M-5049 of 2020, which for the sake of brevity is not being reproduced and be read as part and parcel of this order, learned State counsel submits that per his instructions mistake of Section 25 of Narcotic Drugs and Psychotropic Substances Act(for brevity, NDPS Act) arose owing to the inadvertent mentioning of the same on the custody warrant of detainee Tine Mustafa. According to him, the FIR was registered under Sections 21/61/85 of the NDPS Act. Though during investigation Sections 25 and 29 of NDPS Act were added, but charges were framed only under Sections 21 and 29 of the NDPS Act. Because Section 25 of NDPS Act was mistakenly mentioned on the jail warrant, Tine Mustafa could not be released by the jail authorities. According to him, it was only on account of inadvertence.

2. Having heard learned counsel for the petitioner as also learned State counsel, it is apparent that there has been a mistake of insisting for

addition of Section 25 of NDPS Act both by Superintendent of Jail, Central Jail, Patiala-respondent No.2 and the Judicial Magistrate Ist Class. Particularly in view of the fact, that charges have been framed only under Sections 21 and 29 of the NDPS Act and therefore, there was no reason to insist for mentioning of Section 25 in the release warrant/orders which were issued pursuant to the orders of this Court, *ibid*.

3. In the circumstances, respondent No.2-Superintendent, Central Jail, Patiala is directed to honour the release order, which has been issued pursuant to bail order dated 03.06.2020 passed by this Court, without insisting for mentioning of Section 25 NDPS Act in the release orders.

4. Disposed of accordingly.

(ARUN MONGA)
JUDGE

19.06.2020
Jiten

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No