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

**CRM-M No.20010 of 2020
Date of Decision: 01.09.2020**

SONU KUMAR

.....Petitioner

Vs

STATE OF PUNJAB

.....Respondent

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

Present: Mr. Gurpal Singh Sandhu, Advocate
for the petitioner.

Mr. Ramdeep Pratap Singh, D.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.91 dated 31.05.2020, registered under Section 22 of the NDPS Act (hereinafter for short 'the Act') at Police Station Sadar Sri Muktsar Sahib, Distt. Sri Muktsar Sahib.

Learned counsel for the petitioner submitted that even in the case of chance recovery, if offer is given in terms of Section 50 of the NDPS Act, then it becomes mandatory to comply with the requirement of Section 50 of the Act. In the

instant case, after giving offer, the statement of the accused/petitioner was noted that he had faith in the Investigating Officer to proceed further to effect search and seizure.

By placing reliance upon **Gurjant Singh @ Janta vs. State of Punjab, 2013(4) RCR (Criminal) 874**, learned counsel further submitted that the Hon'ble Supreme Court after considering the ratio of **State of Punjab Vs. Balbir Singh, 1994(1) RCR (Criminal) 736**; **State of Punjab vs. Baldev Singh, 1993(3) RCR (Criminal) 533** and **State of H.P. vs. Pawan Kumar, 2005(92) RCR (Criminal) 622**, held that when the Investigating Officer on noticing contraband, felt the need of invoking Section 50 of the NDPS Act and gave offer to the accused, then Principle No.1 as held in para No.25 of **Balbir Singh's case (supra)** would not apply. Once notice under Section 50 of the NDPS Act was given to the accused, then it was imperative on the part of the Investigating Officer to comply with the requirement of Section 50 of the NDPS Act mandatorily. The alleged reposing of faith in the Investigating Officer is also hit by the ratio of **State of Rajasthan vs. Parmanand and another, 2014(2) RCR (Criminal) 40** and **Vijaysinh Chandubha Jadeja vs. State of Gujarat, 2010(4) RCR (Criminal) 911**.

Learned State counsel on instructions from ASI Daulat Ram submitted that the case is still under investigation.

Since FSL report is still awaited, therefore, in view of **Inderjeet Singh @ Laddi vs State of Punjab and others, 2014(3) RCR (Criminal) 953**, the petitioner can be granted interim bail till receipt of FSL report.

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

On receipt of FSL report, the petitioner shall surrender before the Jail Authorities and shall seek regular bail in accordance with law.

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

Disposed of.

September 01, 2020

Atik

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No