

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-23963-2019 (O&M)
Date of decision: 07.01.2020

Nirmal Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. S.K. Passi, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.59 dated 01.07.2018 under Section 22 of NDPS Act, registered at Police Station Harike, District Tarn Taran.

Learned counsel for the petitioner submits that as per allegations in the FIR, the petitioner was apprehended on suspicion and without giving any notice under Section 50 of NDPS Act, the Investigating Officer conducted personal search of the petitioner and therefore, it will be a matter of trial whether proper procedure was followed or not.

Reply by way of affidavit of Senior Superintendent of Police, Tarn Taran is on record, in which it is admitted that compliance of Section 50 of NDPS Act was not made by the Investigating Officer namely Sub Inspector (LR) Hardyal Singh and departmental action has been taken against him for

dereliction in the duty.

Without commenting anything on merits of the case, considering the fact that the petitioner is in custody since 06.05.2019, when he surrendered before the trial Court, after availing the interim bail granted by the trial Court on 01.09.2018, awaiting the FSL report and he is not involved in any other case, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate, concerned.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

07.01.2020

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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No