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

CRM-M No. 27813 of 2020 (O&M)
Date of Decision: 21.09.2020

Raghu Kumar

-Petitioner

Vs

State of Punjab

-Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. J.S. Thakur, Advocate,
for the petitioner.

Mr. R.P. 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.126 dated 04.10.2019 under Section 22 of NDPS Act registered at Police Station Basti Bawa Khel, District Jalandhar Commissionerate.

Learned counsel for the petitioner contends that two persons namely Munish Kumar and the petitioner were apprehended and contraband was recovered from them. In case of chance recovery, an offer was given to the petitioner. Petitioner allegedly reposed faith in the Investigating Officer and

thereafter, the Investigating Officer proceeded to recover the contraband.

Munish Kumar has already been granted regular bail in CRM-M No.4347 of 2020 vide order dated 18.08.2020.

Petitioner seeks bail on parity with co-accused Munish Kumar.

37 strips of CLOVIDOL-100 SR having 10 tablets each total 370 tablets and 345 loose intoxicating tablets were recovered from Munish Kumar.

There was a recovery of 435 capsules from the present petitioner.

Learned counsel for the petitioner submits that even in case of chance recovery, if an offer is given to the suspect, then Section 50 of NDPS Act becomes mandatory and even in case of reposing faith, the Investigating Officer is required to take the suspect before the Magistrate in view of law laid down in **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.**

Per contra, learned State counsel states that admittedly, Munish Kumar has been granted regular bail vide order dated 18.08.2020 and the recovery from the petitioner is more or less of same quantity of contraband.

Looking into the facts and circumstances of the case and keeping in view the situation arising out of pandemic COVID-19, I deem it appropriate to enlarge the petitioner on regular bail on parity with co-accused Munish Kumar.

In view of above, the petition is allowed. Petitioner is directed to be released on regular bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of trial Court/concerned Duty Magistrate.

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

21.09.2020
Jyoti Sharma

(RAJ MOHAN SINGH)
JUDGE

1. Whether speaking/reasoned : Yes/No
2. Whether reportable : Yes/No