

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-39507-2019 (O&M)
Date of decision: 08.01.2020

Gurwinder Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Ms. R.K. Sandhu, 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.108 dated 10.07.2019 under Section 22 of NDPS Act, registered at Police Station Sadar Malout, District Sri Muktsar Sahib.

On 20.09.2019, while granting interim bail to the petitioner, following order was passed: -

“...Learned counsel for the petitioner submits that as per allegations in the FIR, the Investigating Officer/SI Gurlal Singh, on receiving a secret information that the petitioner is involved in selling the intoxicant tablets, reached at house of the petitioner and found that he is carrying a polythene bag in his hand. Thereafter, the Investigating Officer apprehended the petitioner with the help of his companions and on checking, 100 tablets of Tramadol Hydrochloride, 60 tablets of Aplrazolam and 100 tablets of Clovidol were recovered. It is further submitted that no proper

procedure has been followed as the secret information was not reduced into writing and no information was sent to the police station prior to conducting the search and even no notice under Section 50 of NDPS Act was given. It is also submitted that the Investigating Officer and the complainant are the same and no second Investigating Officer was called at the spot.

List again on 22.10.2019.

Senior Superintendent of Police, Sri Muktsar Sahib is directed to file an affidavit, after re-verifying the investigation conducted, on or before the next date of hearing.

In the meantime, petitioner is directed to be released on interim bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.”

Affidavit of Senior Superintendent of Police, Sri Muktsar Sahib is on record and in para No.9 of this affidavit, it is stated that the complainant and the Investigating Officer is the same person i.e. SI Gurlal Singh and in this regard, departmental action is taken against him.

In view of the above, this petition is allowed and the order dated 20.09.2019, granting interim bail to the petitioner, is hereby made absolute.

[ARVIND SINGH SANGWAN]
JUDGE

08.01.2020
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No