

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

**CRM-M-42129-2019
Date of decision: 27.05.2020**

Ranjeet Singh @ Kala

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Deepak Aggarwal, Advocate
for the petitioner.

Mr. Amit Mehta, Sr. DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 76 dated 24.04.2019, registered under Section 22 of the NDPS Act, 1985 at Police Station Sangat, Bathinda, District Bathinda.

Learned counsel for the petitioner submits that the petitioner is in judicial custody for the last more than one year and the case is still at the stage of recording the statement of prosecution witnesses and only four witnesses have been examined so far.

Learned counsel further submits that as per the allegations in the FIR, though the recovery was a chance recovery, however, SI Harbhajan Singh is the complainant as well as the Investigating Officer and at no point of time, he had called a second investigating officer.

Learned counsel for the petitioner further submits that the petitioner is not involved in any other case.

Learned State counsel could not dispute factual position as

submitted by learned counsel for the petitioner, however, submitted that the recovery falls under the commercial quantity, therefore, this petition may be dismissed by this Court.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the fact that the complainant and the investigating officer are the same person and before effecting recovery, no notice under Section 50 of the NDPS Act was given and considering the fact that even if it was a chance recovery, the police party had failed to ask for deputation of a second investigating officer before conducting the recovery, it is found that some moot points are involved which will be decided during the course of trial. Hence, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

27.05.2020

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No