

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-48800-2019 (O&M)
Date of decision: 08.01.2020

Vinod

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Rahul Deswal, Advocate
for the petitioner.

Mr. Deepak Grewal, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.219 dated 03.07.2019 under Sections 21 & 22(C) of NDPS Act, registered at Police Station PGIMS, Rohtak, District Rohtak.

Learned counsel for the petitioner submits that as per allegations in the FIR, ASI Devi Singh received a secret information that petitioner Vinod is involved in the business of selling drug medicines, which are prohibited by the Govt. and is coming on a motorcycle and is carrying a black coloured bag on his shoulder. Thereafter, no information/ruqa was sent to the police station for registration of the FIR and the police party headed by the same ASI apprehended the petitioner. Thereafter, a notice under Section 50 of NDPS Act was given, in response to which, the petitioner reposed confidence in the same Investigating Officer/ASI Devi Singh and then the search was conducted by

him without calling a second Investigating Officer. It is further submitted that it will be a debatable issue to be decided during the course of trial whether a proper and legal procedure was followed by ASI Devi Singh or not.

Learned counsel for the petitioner further submits that the petitioner is young man and is a student of Diploma in Pharmacy and has relied upon the certificate (Annexure P-2) in this regard. It is further submitted that the petitioner is first offender and his career is at stake.

Learned State counsel, on instructions from ASI Devi Singh, has not disputed the factual position.

Without commenting anything on merits of the case, considering the aforesaid submissions made by learned counsel for the parties, 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

08.01.2020
vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No