

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

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CRM-37515 of 2021 in/and
CRM-M-2597 of 2021
Date of decision:17.11.2021

Ranjit Singh

... Applicant-petitioner

versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH.

Present: Mr.Rajesh Kapila, Advocate,
for the applicant-petitioner
Mr.Rana Harjasdeep Singh, DAG, Punjab
...

AMOL RATTAN SINGH, J. (Oral)

Case heard via video conferencing.

CRM-37515 of 2021

Vide this application, advancement of the date of hearing in the accompanying petition is sought, with learned counsel submitting that there is non-compliance of Section 50 of the NDPS Act, 1985.

Notice in the application.

Mr.Rana Harjasdeep Singh, learned DAG, Punjab, accepts notice at the asking of the court and submits the he is ready with the case.

Consequently, the application is allowed and the date of hearing in the accompanying petition is advanced to today itself.

CRM-M-2597 of 2021

By this petition, the petitioner seeks the concession of 'regular

bail' under the provisions of Section 439 of the Cr.P.C., upon FIR no.64, dated 14.7.2020, having been registered at Police Station Amir Khas, District Fazilka, alleging therein the commission of offences punishable under Sections 21/23/29 of the NDPS Act, 1985.

Learned counsel for the petitioner submits that there is a complete non-compliance of Section 50 of the NDPS Act, 1985, inasmuch as, though admittedly a personal search of the petitioner was conducted, no other gazetted officer was called on the spot; and further, the allegation being that the petitioner obtained the contraband in question from Pakistan, there is not even any entry in any register with the BSF/Army etc., that the petitioner was anywhere near the border area.

Learned State counsel on the other hand submits that even as per the reply filed by the DSP, it was he who had conducted the search, with the petitioner duly asked as to whether he would like to get himself searched by some other gazetted officer or a Magistrate, to which he had stated that the gazetted officer asking him the question himself can conduct the search.

That being so, even though learned counsel for the petitioner may have something to say further on whether the contraband as is alleged to have been recovered from him was recovered from a border area or otherwise, yet, in the circumstances of a gazetted officer having conducted the search, seen with the other documents annexed with the reply filed by the DSP, without making any comment on the actual merits of the case, this petition is dismissed.

However, no observation made in any order passed in this petition shall be taken into consideration by the trial court, with the trial to proceed wholly on the basis of evidence led before that court.

17.11.2021
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(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No