

226

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

**CRM-M No.20913 of 2021
Date of Decision: 13.07.2021**

DIDAR SINGH @ BUNTY

.....Petitioner

Vs

STATE OF PUNJAB

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present:Mr. B.S. Bhalla, Advocate
for the petitioner.

Mr. Sandeep Kumar, 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.40 dated 28.02.2021, registered under Section 22-C of Narcotics Drugs and Psychotropic Substances Act, 1985 at Police Station Cantonment, District Amritsar.

FIR was registered on the basis of secret information to the effect that the petitioner Didar Singh @ Bunty is habitual of selling heroin and if raid is conducted, he can be apprehended with heroin. Naka was laid and the petitioner was arrested with

255 grams of heroin.

As per reply filed by way of affidavit of Dev Dutt, PPS, Assistant Commissioner of Police, West Amritsar City on behalf of respondent/State, the petitioner tried to throw something away after taking it out from the right pocket of his trouser. Petitioner was apprehended and on being asked, he disclosed his name as Didar Singh. On being told about his legal right under Section 50 of the NDPS Act, the petitioner reposed faith in ASI Satnam Singh and, thereafter ASI Satnam Singh proceeded to effect the recovery of 255 grams of heroin.

Learned counsel for the petitioner submitted that even in case of reposition of faith in the Investigating Officer, it was mandatory on behalf of the Police/Investigating Officer to take the suspect to the nearest Magistrate and to comply with the requirement of Section 50 of the NDPS Act in order to impart authenticity, trustworthiness and creditworthiness to the prosecution case. The offer should have been clear and unambiguous. Learned counsel referred to **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** and **Gurjant Singh @ Janta Vs. State of Punjab, 2013(4) RCR (Criminal) 874,**

The factual position of the case could not be disputed by learned State counsel. In the reply filed by the State, factum of reposition of faith has been admitted and ASI Satnam Singh has proceeded to effect recovery from the petitioner.

At this stage, without advertng to the merits of the case and in view of the situation arising out due to COVID-19 pandemic, I deem it appropriate to enlarge the petitioner on regular bail.

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

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

July 13, 2021
Atik

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No