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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.16876 of 2020

Date of Decision:12.07.2021

RANJIT SINGH @ MANI

.....Petitioner

Vs

THE STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

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

Mr. Sandeep Kumar, DAG, 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.9 dated 18.01.2020, under Section 22 of NDPS Act, 1985 of Police Station, Mehatpur, District Jalandhar.

As per allegations, the FIR was registered on the basis of suspicion and 19 intoxicating injections and 19 vials of intoxicant material were recovered from the petitioner. At one point of time, petitioner was granted interim bail as per ratio laid down in **Inderjeet Singh @ Laddi Vs. State of Punjab 2014 (3) RCR (Criminal) 953.** On receipt of FSL report the petitioner has already surrendered on 15.07.2020.

Learned counsel for the petitioner submits that even in case of chance recovery if offer is given in terms of Section 50

of the NDPS Act then the compliance of Section 50 becomes mandatory in view of **Gurjant Singh @ Janta Vs. State of Punjab, 2013(4) RCR (Criminal) 874.**

Learned counsel submits that when the Investigating Officer on noticing contraband, felt the need of invoking Section 50 of the NDPS Act and gave offer to the suspect, then the compliance becomes mandatory and imperative on the part of the Investigating Officer to comply with the requirement of Section 50 of the Act.

Learned counsel further submits that the alleged reposition of faith by the suspect in the investigation is also hit by the ratio of **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.** It was imperative on the part of the Investigating Officer to take the suspect to the nearest Magistrate in order to impart authenticity, transparency and creditworthiness to the prosecution story.

Learned counsel also refers to **Saleem Mohd. Vs. State of Punjab CRM-M No.5207 of 2020 (DB)** decided on 04.11.2015 and contended that as per Rule 66 of the NDPS Rules 1985, 100 doses of such like psychotropic substance could be retained by a person even without medical prescription.

Learned State counsel however opposed the bail on the ground that the petitioner has three convictions to his credit and in three other cases he is under trial. The recovered material falls under commercial category. Charges are yet to be

framed.

In view of prima facie consideration of the case and the situation arising out due to COVID-19 pandemic, I deem it appropriate to enlarge the petitioner on regular bail, without embarking upon merits of the case.

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 any opinion on merits of the case.

12.07.2021

Amandeep

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No