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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(Through video conferencing)

CRM-M No.26566 of 2021
Date of Decision: 22.09.2021

NAMA RAM

.....Petitioner

Vs

STATE OF PUNJAB

....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Harneet Singh Oberoi, Advocate for the petitioner.

Mr. Amar Ashok Pathak, Addl. A.G., Punjab.

RAJ MOHAN SINGH, J.(Oral)

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.259 dated 15.12.2020 registered under Section 22 of the NDPS Act at Police Station Maur, District Bathinda.

FIR was registered at the instance of SI Madan Gopal, who was called by ASI Kulwinder Singh on the ground that when the police party headed by aforesaid Kulwinder Singh was on patrolling, then the police party saw a motorcycle without registration number where two persons were searching something in polythene sheet envelope at a distance of 200 yards behind Bhai Dosa Bus Stand. On the basis of aforesaid information, SI Madan Gopal along with police officials reached

the spot after about 20 minutes. There was a gathering of people at the spot and they were arguing with the police party. Taking benefit of the aforesaid situation, the young man succeeded in fleeing from the spot and that person was identified as Nanak Ram. Another person i.e. petitioner Nama Ram (who is father of Nanak Ram) was apprehended at the spot. On his disclosure statement, Nanak Ram has been nominated.

The Investigating Officer gave offer to the accused in terms of Section 50 of the NDPS Act and the petitioner allegedly reposed faith in him and thereafter Investigating Officer proceeded to effect recoveries from the petitioner. Resultantly, 500 tablets of CLOVIDOL-100 SR, 500 tablets of CELCIDAL-100 SR and 100 tablets of TREDOL-100 were recovered from the petitioner.

Learned counsel for the petitioner submits that once the offer under Section 50 of the NDPS Act is given, then in view of **Gurjant Singh @ Janta Vs. State of Punjab, 2013(4) RCR (Criminal) 874**, it becomes imperative on behalf of the Investigating Officer to comply with the mandatory requirement under Section 50 of the Act in case of alleged reposition of faith.

Learned counsel also by relying upon **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 further submits that even in case of reposition of faith, it becomes imperative on behalf of the Investigating Officer to take the suspect to the nearest Magistrate so as to impart creditworthiness, transparency and authenticity to the prosecution case. Petitioner is in custody since 15.12.2020.

Learned State counsel however opposed the bail on the ground that the recoveries are of commercial in nature. Factual details of the case could not be disputed.

After filing of challan, only one prosecution witness has been examined out of 14 witnesses. The trial in any case may take sometime in its culmination.

In view of aforesaid position and in view of the situation arising out due to COVID-19 pandemic, I deem it appropriate to enlarge the petitioner on regular bail, without adverting to the merits of the case. This 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.

(RAJ MOHAN SINGH)
JUDGE

September 22, 2021

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Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No