

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CRM-M No.26581 of 2021 (O&M)

Date of Decision:10.09.2021

Savitri Devi

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. D.N. Ganeriwala, Advocate
for the petitioner.

Ms. Rashmi Attri, AAG, Punjab.

JAISHREE THAKUR, J. (ORAL)

Reply filed on behalf of the respondent-State is taken on record.

This is a petition that has been filed for grant of regular bail to the petitioner in FIR No.338 dated 08.07.2020 registered under Section 22 of the NDPS Act at Police Station City Barnala, District Barnala.

Learned counsel for the petitioner prays for grant of regular bail to the petitioner by contending that there is non-compliance of Section 42 of the NDPS Act in so far as *ruqa* was sent to the Station House Officer by the ASI. In fact, it ought to have been sent to a person superior in rank. Reliance in this regard has been placed upon the judgment of the Hon'ble Supreme Court rendered in ***Rajender Singh Vs. State of Haryana (2011) 8 SCC 130***. Apart from non-compliance of Section 42 of the NDPS Act, it is submitted that reading of the FIR itself would reflect that the raiding party was travelling in a private vehicle along with laptop and printer, which is against the instructions dated 04.05.2015 as issued by the Punjab

Government.

As per reply filed by the respondent-State, ruqa was sent within 72 hours to the higher authorities, however, there is no answer in the said reply with respect to travelling of the raiding party in the private vehicle and non-compliance of instructions as issued by the Punjab Government in that regard.

I have heard learned counsel for the parties. Keeping in view the fact that debatable questions have been raised and the challan has already been presented, this Court deems it appropriate to grant regular bail to the petitioner herein. The instant petition is allowed and the petitioner is directed to be released on regular bail on execution of adequate personal/surety bond of Rs.1 lakh each to the satisfaction of concerned trial Court/Duty Magistrate. However, any observation made herein shall not be construed to be an expression on merits of the case.

September 10, 2021
P.Bhatt/Pankaj*

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No