

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

227

**CRM-M No.30520 of 2021
Date of Decision:10.08.2021**

Hardeep Singh

.....Petitioner

Vs

State of Punjab

.....Respondent

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

Present: Mr. G.S.Nahel, Advocate
for the petitioner.

Mr. Amar Ashok Pathak, Addl.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.94 dated 06.04.2021 registered under Sections 22, 61, 85 of the NDPS Act at Police Station Patran District Patiala.

FIR was registered on the basis of secret information with the allegations that the petitioner and co-accused Dimple Mittal are habitual in dealing with narcotics. A naka was installed. A car was apprehended and 42 bottles of Wings 100

ml Chlorpheniramine Maleate and Codeine Phosphate syrup Wincirex cough syrup were recovered from the car. The average weight of the contents of the bottles was found to be 9.8 mg/ 5 ml.

Learned counsel for the petitioner submits that despite lodging of the FIR on the basis of secret information, the prosecution has not complied with the mandatory requirements of Sections 42 and 50 of the NDPS Act. As per application for police remand, the Investigating Officer himself conducted the search of the vehicle. A back pack was found from the petitioner sitting on the conductor side seat in the footsteps underneath.

Learned counsel for the petitioner further submits that the Investigating Officer, on noticing the contraband, should have complied with mandatory requirement of Section 50 of the NDPS Act. He did not issue any consent memo to the accused, nor was the suspect brought before the Magistrate/ Gazetted Officer for the purposes of effecting search.

Learned counsel for the petitioner relies upon CRM-M No. 23745 of 2021 titled Dimple Mittal vs. State of Punjab, decided on 05.07.2021, to contend that the co-accused has been enlarged on regular bail by this Court.

Learned State counsel, however, opposed the bail, but factual position could not be disputed.

Looking to the aforesaid facts and in view of the

situation arising out due to COVID-19 pandemic and without adverting to the merits of the case, I deem it appropriate to enlarge both the petitioners on regular bail.

In view of above, petition is allowed. Petitioner is ordered to be released on regular 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

10.8.2021

Amandeep

Whether speaking/reasoned Yes/No

Whether reportable Yes/No