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

**CRM-M No.42190 of 2020(O&M)
Date of Decision:01.03.2021**

Harmanjit Singh

.....Petitioner

Vs

State of Punjab

.....Respondent

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

Present:Mr. Rajvir Singh, Advocate
for the petitioner.

Mr. Amar Ashok Pathak, Addl., AG, Punjab.

RAJ MOHAN SINGH, J.(Oral)

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.205 dated 31.07.2020 registered under Section 22 of the NDPS Act and Section 52-A of Prisons Act at Police Station City Rupnagar, District Rupnagar.

As per allegations, from the personal search of the petitioner, 32 intoxicants tablets (Adnok) were recovered when he returned after attending the Court proceedings.

Learned counsel for the petitioner submitted that the alleged recovery is effected on 11.02.2020, but the FIR in question was lodged only on 31.07.2020 i.e. after a delay of

more than 5 months. Even in case of personal search, Section 50 of the NDPS Act has not been complied with.

Learned State counsel on instructions from ASI Narender Singh submits that the delay has occasioned due to pending inquiry against the petitioner. Petitioner is having antecedent behaviour of criminal activities. Petitioner is in custody since 21.08.2020.

At this stage, keeping in view the delay in lodging the FIR and recovery from the personal search of the petitioner, I deem it appropriate to enlarge the petitioner on regular bail, without adverting to the merits of the case.

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

01.03.2021

Prince

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No