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

**CRM-M No.1430 of 2022(O&M)
Date of Decision: 12.07.2022**

Sonu Kumar

.....Petitioner

Vs

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

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

Mr. C.L. Pawar, Sr. DAG, Punjab.

RAJ MOHAN SINGH, J.(Oral)

Petitioner seeks grant of regular bail in his second attempt under Section 439 Cr.P.C in case bearing FIR No.091 dated 31.05.2020 registered under Section 22 of the NDPS Act at Police Station Sadar Sri Muktsar Sahib, District Sri Muktsar Sahib.

Earlier CRM-M No.20010 of 2020 was filed. Vide order dated 01.09.2020, petitioner was ordered to be released on interim bail till receipt of FSL report, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/concerned Duty Magistrate.

Learned counsel for the petitioner submits that this is a case of chance recovery, but the Investigating Officer has given offer under Section 50 of the NDPS Act and thereafter, did not comply with the same on mandatory note. By referring to **Gurjant Singh @ Janta Vs. State of Punjab, 2013(4) RCR (Criminal) 874, 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**, learned counsel submits that once an offer is given in terms of Section 50 of the NDPS Act, then it becomes mandatory on the part of the prosecution to comply with the requirement of Section 50 of the NDPS Act.

It is settled by now that when the Investigating Officer on noticing contraband, felt the need of invoking Section 50 of the NDPS Act and give offer to the accused, then it becomes imperative on the part of the Investigating Officer to comply with the requirement of Section 50 of the NDPS Act mandatorily. If the accused reposes faith in the Investigating Officer, then in such eventuality also, accused is required to be produced before the nearest Magistrate so as to impart trustworthiness, creditworthiness and transparency in the prosecution version. Petitioner is in custody since 23.11.2021. As per custody certificate, the petitioner is not involved in any other case.

Per contra, learned State counsel opposes the bail on the ground that the recovered quantity is commercial in nature and prosecution evidence may start very soon.

Looking to the aforesaid facts and without adverting to the merits of the case, I deem it appropriate to enlarge the petitioner 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 opinion on merits of the case.

July 12, 2022	(RAJ MOHAN SINGH)
<i>Prince</i>	JUDGE
Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No