

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM No. M-14761 of 2015

Date of decision:- July 16, 2015

Puran Singh

.....Petitioner..

Vs.

State of Punjab

....Respondent..

CORAM:- HON'BLE MR. JUSTICE JASPAL SINGH

Present:- Ms. Sukhpreet Kaur, Advocate,
for the petitioner.

Mr. Deepak Garg, AAG, Punjab.

JASPAL SINGH, J. (Oral)

This is a petition under Section 438 of the Code of Criminal Procedure preferred by Puran Singh, seeking pre-arrest bail, feeling apprehension of his arrest, in case bearing FIR No. 37, dated 21.03.2015, under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'Act'), registered at Police Station Sadar, District Kapurthala.

2. While issuing notice of motion, following order was passed by this Court on May 07, 2015:-

“ Learned counsel for the petitioner, inter-alia, contends that the petitioner was not intercepted at the spot. However, recovery of some powder was effected from other persons

who were travelling in the tampoo. The allegations against Petitioner and his co-accused, are that they threw away a packet weighing 110 grams of powder at the spot while fleeing away from the spot which has already been taken into possession by the police. As such, nothing is to be recovered from the petitioner.

Notice of motion for 16.7.2015.

In the meantime, in the event of arrest the petitioner shall be released on interim bail to the satisfaction of the Investigating Officer. He shall join the investigation as and when required by the Investigating Officer. He shall also comply with the other conditions as envisaged under Section 438 (2) of the Code of Criminal Procedure.”

At the very outset of arguments, it has been submitted by learned State counsel, on instructions from ASI Varinder Singh, Police Station Sadar, Kapurthala that in compliance of order dated May 07, 2015, petitioner has already joined the investigation on May 15, 2015. During custodial interrogation, nothing has been recovered from the possession of petitioner and is also no more required for further investigation in this case.

Taking into consideration all the aforesaid aspects of the case, order dated May 07, 2015, is made absolute, subject to the conditions, as envisaged under section 438(2) Cr.P.C.

**(JASPAL SINGH)
JUDGE**

July 16, 2015
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