

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-3998 of 2015 (O&M)

Date of Decision: 14.07.2015.

Joga Singh

--Petitioner

Versus

State of Punjab

--Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. P.S. Sekhon, Advocate for the petitioner.

Mr. Nikhil K. Chopra, D.A.G., Punjab.

TEJINDER SINGH DHINDSA.J

Petitioner Joga Singh seeks the benefit of anticipatory bail in case F.I.R. No. 242 dated 24.9.2014 under sections 15, 61, 85 of N.D.P.S Act, registered at Police Station, Samana, District Patiala.

The alleged recovery is of 60 kgs of poppy husk from co-accused Manjit Singh and Harjit Singh, who were stated to have been apprehended on the spot by a raiding party upon having received secret information.

In so far as the present petitioner is concerned, he is alleged to have ran away along with certain quantity of contraband.

While issuing notice of motion, this Court had passed the following order on 9.2.2015:-

“Counsel for the petitioner states that the petitioner is not involved in any other complaint under the NDPS Act. He was not arrested from the spot.

Notice of motion for 28.04.2015.

Meanwhile, petitioner is directed to join the investigation as and when called by the Investigating Officer. In the event of his arrest, he shall be released on bail by the

Investigating Officer on his furnishing bail bonds/sureties to his satisfaction, subject to the conditions mentioned below, as envisaged in Section 438(2) Cr.P.C :-

i. a condition that the person shall make himself/themselves available for interrogation by Police Officer as and when required;

ii. a condition that the person shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

iii. a condition that the person shall not leave India without the previous permission of the Court;

iv. such other condition as may be imposed under sub section (3) of Section 437, as if the bail were granted under that section.”

Learned State counsel upon instructions from ASI Shamsheer Singh would apprise the Court that the petitioner has since joined investigation. It has further been submitted that after completion of investigation challan has already been presented on 13.5.2015.

The petitioner is not stated to be involved in any other proceedings under the N.D.P.S Act.

For the reasons recorded above, petitioner is held entitled to the concession of pre-arrest bail. Present petition is accordingly, allowed. Order dated 9.2.2015, passed by this Court, is made absolute.

Disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

14.07.2015

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