

**HIGH COURT FOR THE STATES OF PUNJAB & HARYANA AT
CHANDIGARH**

CRM-M-41938-2015
Date of decision: 21.12.2015

Boota Singh @ Buta Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

1. To be referred to the Reporters or not ?
2. Whether the judgment should be reported in the Digest ?

Present: Mr.S.S.Salar, Advocate for the petitioner.
Mr. Daljeet Singh Virk, AAG, Punjab.

RAMESHWAR SINGH MALIK, J. (Oral)

Petitioner seeks pre-arrest bail in FIR No.71 dated 13.11.2015 registered under Section 22 of the NDPS Act at Police Station Dharamgarh, District Sangrur.

Notice of motion was issued and interim protection was granted to the petitioner.

Learned counsel for the petitioner submits that in compliance of the order passed by this Court, petitioner has joined the investigation and cooperated with the investigating agency. He further submits that petitioner is no more required for any further investigation. He also prays for allowing the present petition.

On the other hand, learned counsel for the State, on instructions from HC Gurtej Singh, Police Station Dharamgarh, submits that though the identity and availability of the petitioner at the time and place of occurrence is yet to be established but petitioner cannot be granted a clean chit, at this stage. He prays for dismissal of the instant petition.

After hearing the learned counsel for the parties and going through the record of the case, this Court is of the considered opinion that in the peculiar fact situation obtaining in the present case, petitioner has been found entitled for the concession of anticipatory bail, at the hands of this court. It is so said, because there is no allegation against the petitioner that he has ever tried to misuse the concession of interim anticipatory bail

granted by this Court. The identity and availability of the petitioner at the time and place of occurrence is yet to be established. Petitioner has also not been found involved in any other case. The documents available on record in the form of Annexures P-2 to P-10 have also gone unrebutted. In this view of the matter, custodial interrogation of the petitioner would not be required.

In view of the above and without commenting anything further on merits at this stage, lest it should prejudice the case of either side at a later point of time, the present petition is allowed. The order dated 11.12.2015 passed by this Court, is hereby made absolute, however, subject to the conditions envisaged under Section 438 (2) Cr.P.C.

Disposed of, accordingly.

21.12.2015
mks

(RAMESHWAR SINGH MALIK)
JUDGE