

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

CRM No.M-5346 of 2015 (O&M)

Date of decision: 01.04.2015

Goldy

... Petitioner

Vs.

State of Punjab

... Respondent

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

Present: Mr. A.S. Cheema, Advocate for the petitioner.

Mr. Nikhil K. Chopra, DAG, Punjab.

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TEJINDER SINGH DHINDSA, J.

This order shall dispose of the present petition filed under Section 438 Cr.P.C. seeking the concession of pre-arrest bail to the petitioner in case FIR No.13 dated 05.02.2015 under Sections 15/25/60/61/85 of NDPS Act, registered at Police Station Sadar Budhlada, District Mansa.

On 19.02.2015, while issuing notice of motion, the following order was passed by this Court:

“Learned counsel for the petitioner submits that the petitioner is neither owner of the recovered car nor he was apprehended at the place of occurrence. The petitioner has been shown to have run away in the presence of many Police officials and even from the description of the height, the petitioner cannot be stated to be the same person. Learned counsel further submits that the petitioner is having no criminal history and no other case is pending against him. Learned counsel also submits that nothing is to be recovered from the petitioner and the petitioner is ready to join the investigation.

Notice of motion for 01.04.2015.

Meanwhile, the petitioner is directed to join investigation and in the event of arrest, he 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 conditions as envisaged under Section 438(2) of the Code of Criminal Procedure, which are as under:-

(i)that the petitioner shall make himself available for interrogation before investigating officer as and when required;

(ii)that the petitioner 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)that the petitioner shall not leave India with out the prior permission of the Court.”

Learned State counsel upon instructions from ASI Baldev Singh would apprise the Court that the petitioner has since joined investigation on 15.03.2015. That apart, the observations made by this Court in the notice of motion order that the petitioner is having clean antecedents and no other case is pending against him has gone uncontroverted.

Under such circumstances, custodial interrogation of the petitioner would not be warranted.

Petition is allowed. Order dated 19.02.2015 passed by this Court is made absolute.

Disposed of.

01.04.2015

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**