

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-5801 of 2015 (O&M)

Date of Decision: 21.4.2015.

Balwinder Singh

--Petitioner

Versus

State of Punjab

--Respondent

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

Present:- Mr. K.D.S. Sandhu, Advocate for the petitioner.

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

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 F.I.R. No. 112 dated 8.6.2013 under sections 15, 25, 61, 85 of N.D.P.S Act. registered at Police Station, Sadar Jagraon, District Ludhiana.

On 21.2.2015, while issuing notice of motion, the following order was passed by this Court:-

“Petitioner seeks the concession of pre-arrest bail in a case registered on the basis of information supplied by ASI Nirbhay Singh alleging that on June 8, 2013, four persons, on seeing the police party fled away from the spot leaving huge quantity of poppy husk contained in 32 bags in a jeep.

The petitioner has been involved in the case on the allegations that Ramesh was the original owner of the vehicle who sold the same to Ajmer Singh. Ajmer Singh had died. Wife of Ajmer Singh is alleged to have married to one Balwinder Singh. Name of the petitioner has been incorporated as an accused on the basis of statement of one Amir Singh who has been arrested about two months back.

Identity of the petitioner appears to be a debatable issue.

Notice of motion for March 31, 2015.

Meanwhile, an interim direction is issued that the petitioner will join investigation on February 28, 2015, and in case of his doing so, he will be released on interim bail to the satisfaction of the arresting officer.”

Learned State counsel upon instructions from H.C. Sukhdev Singh would apprise the Court that the petitioner has since joined investigation.

It may also be apposite to note that no recovery of contraband has been effected from the present petitioner and he was not even named in the F.I.R. He has been sought to be nominated on the disclosure statement made by one co-accused namely Amir Singh, who was arrested subsequently.

State counsel further apprises the Court that investigation in the case is complete and even the challan has been presented.

Under such circumstances, the present petition is allowed. Order dated 21.2.2015, passed by this Court is made absolute.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

April 21, 2015
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