

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

**CRM No.M-122 of 2016 (O&M)
Date of decision : 05.04.2016**

Navjot Kumar @ Jyoti

... Petitioner

Vs.

State of Haryana

... Respondent

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

Present: Ms. P.K. Deol, Advocate for
Mr. Rajesh Sethi, Advocate for the petitioner.

Mr. Vivek Saini, DAG, Haryana.

...

TEJINDER SINGH DHINDSA, J.

This order shall dispose of the present petition filed under Section 438 Cr.P.C. seeking concession of anticipatory bail to the petitioner in case FIR No.710 dated 19.11.2015, under Sections 21(B)/27-A of the NDPS Act and Sections 18(A)/18(C) of Drugs & Cosmetics Act, 1940, registered at Police Station City Fatehabad, District Fatehabad.

On 19.01.2016, the following order was passed by this Court:

“Present petition has been filed under Section 438 Cr.P.C. for anticipatory bail to the petitioner in FIR No.710 dated 19.11.2015, under sections 21(B), 27-A of Narcotics Drugs & Psychotropic Substances Act and Sections 18(A) and 18(C) of Drugs & Cosmetics Act, 1940, registered at Police Station City Fatehabad.

List on 05.04.2016.

In the meantime, petitioner is directed to appear before Investigating Officer and to join investigation on 28.01.2016.

In the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting/ Investigating Officer. The petitioner shall join investigation as

and when called upon to do so and he shall remain bound by the conditions envisaged under Section 438(2) Cr.P.C.”

Learned State counsel upon instructions from SI Mahender Singh would submit that the petitioner has since joined investigation.

During the course of arguments today, it has gone uncontroverted that the alleged recovery of contraband was not effected from the person of the present petitioner. Rather the allegations are that recovery was effected from a vehicle and the allegations are that the present petitioner had managed to escape from the spot. Recovery even otherwise is stated to be non-commercial in nature.

Petitioner is not stated to be involved in any other proceedings under the NDPS Act.

Petitioner having already joined investigation, his custodial interrogation, as such, would not be warranted.

Accordingly, petition is allowed. Order dated 19.01.2016 passed by this Court is made absolute.

Disposed of.

05.04.2016

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**