

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

CRM-M -15810 of 2016 (O&M)
Date of decision: 29.09.2016

Balkar Singh and another

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Ms. Manjit Kaur, Advocate for
Mr. S.S. Gill, Advocate
for the petitioners.

Ms. Harsimrat Rai, DAG, Punjab
assisted by ASI Amrik Singh.

Jitendra Chauhan, J. (Oral)

By filing the present petition under Section 438 of the Code of Criminal Procedure, the petitioners have sought anticipatory bail in FIR No.35 dated 31.03.2016, registered under Section 15 of the Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station Passiana, District Patiala.

On 17.08.2016, this Court had passed the following order:-

“The petitioners are husband and wife. Learned counsel contends that the alleged recovery of the contraband i.e. poppy husk was effected on the basis of a secret information, in the absence of the petitioners. The room from where the alleged recovery was effected is not in the exclusive possession of the petitioners. The recovery was not effected from their conscious possession.

On the other hand, learned State counsel informs that the

petitioners are involved in other FIRs as well.

Considering the fact that the recovery was not effected from the conscious possession of the petitioners, the petitioners are allowed to join the investigation.

Post again on 29.09.2016.

Meanwhile, in the event of arrest of the petitioners by the Arresting Officer, they shall be released on interim bail subject to the following conditions:

- 1. That they shall make themselves available for interrogation by a police officer as and when required;*
- 2. That they 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 and;*
- 3. That they shall not leave India without previous permission of the Court.”*

It is contended that in pursuance of the order dated 17.08.2016, the petitioners have joined the investigation.

The learned State counsel, on instructions submits that the petitioners have joined the investigation and they are not required for custodial interrogation.

In view of the above, without expressing any opinion on the merits of the case, the interim bail granted by this Court vide order dated 17.08.2016, is made absolute, subject to furnishing bail bonds/surety bonds to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, concerned.

The petition stands allowed.

29.09.2016

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(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned : Yes No

Whether Reportable: Yes No