

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

**CRM-M No.17003 of 2016 (O&M)
Date of Decision : 29.08.2016**

Bittu

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Mohinder Kumar, Advocate for
Mr. I.S.Mattewal, Advocate
for the petitioner.

Ms. Amarjit Kaur Khurana, Addl. AG, Punjab.

AJAY TEWARI, J. (Oral)

This is a petition for grant of pre-arrest bail to the petitioner under Section 438 Cr.P.C. in case FIR No.15 dated 24.03.2016 registered under Sections 15/61/85 of NDPS Act at Police Station Talwandi Chaudharian, District Kapurthala, Punjab.

On 17.05.2016 the following order was passed:-

“Counsel would argue that even as per prosecution version, the recovery is of 1 ½ kgs of poppy husk contained

in a polythene envelope. Present petitioner was not apprehended on the spot and the allegations are that upon seeing the police party he had managed to flee away.

It is contended that the alleged recovery would even otherwise be construed as small quantity. Recovery has not been effected from the present petitioner. Categorical contention is that the petitioner is not involved in any other case under the N.D.P.S Act.

Notice of motion, returnable for 29.8.2016.

In the meanwhile, petitioner is directed to join investigation.

In the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting Officer/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 Additional Advocate General, on instructions from ASI Tarsem Singh accepts the fact the petitioner has joined the investigation and is no more required for custodial interrogation.

In these circumstances, I do not deem it appropriate to deny anticipatory bail to the petitioner.

Resultantly, the petition is allowed. The interim order dated 17.05.2016 is made absolute subject to the conditions envisaged under

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Section 438(2) Cr.P.C.

Since the main case has been decided, the pending criminal miscellaneous application, if any, also stands disposed of.

29.08.2016

pooja sharma-I

**(AJAY TEWARI)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No