

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-22582 of 2016
DECIDED ON: October 20, 2016

NIRMAL @ NIMA

.....PETITIONER..

VERSUS

STATE OF PUNJAB

....RESPONDENT..

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. S.S. Rana, Advocate,
for the petitioner.

Mr. J.S. Sekhon, AAG, Punjab.

JASPAL SINGH, J (ORAL)

Through the instant petition preferred under Section 438 of the Code of Criminal Procedure, Nirmal @ Nima-petitioner has sought pre-arrest bail, feeling apprehension of his arrest, in case bearing FIR No.39, dated 14.04.2016, under Section 21/22 of the Narcotic Drugs and Psychotropic Substances Act, 1985, Police Station Nawanshahr Sadar, District SBS Nagar, during the pendency of trial.

2. At the time of issuance of notice of motion, following order was passed by this Court on 08.07.2016 :-

“Inter alia it has been contended by learned counsel for the petitioner that petitioner has been named in the instant case falsely by Jagroop Ram. Otherwise, nothing has been recovered from the possession of the petitioner. In fact, as per the allegations, Jagroop Ram was found in possession of 5 gms heroine and 280 gms of intoxicant

powder and during his interrogation he has named the petitioner that he has been working on his behalf on payment of a sum of Rs.1000/- per day. In fact, there is animosity in between Jagroop Ram and petitioner as earlier FIR No.14, dated 10.02.2016 has been got registered by the petitioner against the close relatives and neighbours of the aforesaid Jagroop Ram.

Notice of motion to the respondent for 23.08.2016.

Meanwhile, petitioner is directed to join the investigation. In the event of arrest, petitioner shall be released on pre-arrest bail at the satisfaction of the Arresting Officer/Investigating Officer subject to the conditions envisaged under Section 438(2) Cr.P.C.”

3. Learned State counsel on instructions from HC Kamaldeep Singh has clearly pointed out that in compliance of order dated 08.07.2016, the petitioner has already joined the investigation and further that on conclusion of the investigation, report under Section 173 (2) Cr.P.C. has already been presented before the ld. Jurisdictional Magistrate.

4. Since, investigation is complete, no further custodial interrogation of the petitioner is required.

5. Taking into consideration the aforesaid aspects of the case but without expressing any opinion on the merits, the petition is allowed and order dated 08.07.2016 is made absolute and shall enure during the pendency of trial but subject to the conditions provided under Section 438 (2) Cr.P.C.

October 20, 2016
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(JASPAL SINGH)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No