

CRM-M No.3489 of 2016

::1::

202

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

C.R.M-M No.3489 of 2016

Date of Decision : 04.08.2016

Paramjit Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

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

Ms. Amarjit Kaur Khurana, Addl.A.G., Punjab.

AJAY TEWARI, J. (Oral)

This petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.24 dated 15.02.2011, registered under Sections 15/61/85 of the N.D.P.S. Act, Police Station Kartarpur, District Jalandhar.

On 02.02.2016 the following order was passed:-

“Petitioner seeks the concession of pre-arrest bail in a case which was registered on February 15, 2011 on the allegations that on interception of a Car at naka, 96 kg of poppy husk contained in four gunny bags of 24 kg. each was

recovered. The petitioner allegedly escaped from the spot. The petitioner was allegedly declared a proclaimed offender.

Counsel for the petitioner submits that the petitioner had been a permanent resident of Village Malukdrabad, Police Station Sadar, Kapurthala and that neither any publication has been issued to his notice nor he was ever required to be arrested by the police.

Heard. The petitioner having not been arrested alongwith the contraband, prima facie the identity of the petitioner and the actual physical possession of the contraband is debatable.

Notice of motion for March 15, 2016.

Meanwhile, an interim direction is issued that the petitioner will join investigation on or before February 20, 2016 and in case of his doing so, he will be released on interim bail to the satisfaction of the arresting officer. It will be open to the investigating agency to present supplementary challan against the petitioner.”

Learned Additional Advocate General on instructions from ASI Gurmit Ram has stated that the petitioner has joined the investigation though as per her the petitioner is not entitled to anticipatory bail.

In view of the order passed on 02.02.2016, without going into the merits of the case, I do not deem it appropriate to deny the

concession of anticipatory bail to the petitioner in the present case.

Ordered accordingly.

Resultantly, the interim order dated 02.02.2016 is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

Petition stands allowed.

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

August 04, 2016
ashish

(**AJAY TEWARI**)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No