

Sr. No. 207

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM No. M-34718 of 2015 (O&M)
Date of Decision: 04.02.2016

Saraj Singh

...Petitioner

Versus

The State of Punjab

... Respondent

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

Present:- Mr. B.S.Kathuria, Advocate,
for the petitioner.

Mr. D.S.Virk, AAG, Punjab.

TEJINDER SINGH DHINDSA. J (ORAL)

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.25 dated 13.04.2015, under Sections 21-29/61/85 of Narcotic Drugs and Psychotropic Substances Act, (for short 'NDPS Act'), registered at Police Station Khemkaran, District Tarn Taran.

While issuing notice of motion, the following order was passed by this Court on 09.10.2015:

“Learned counsel for the petitioner submits that the FIR, in question, was registered on the basis of secret information and in the secret information, the names of four persons were mentioned but only three persons were intercepted by the police. Learned counsel

*further submits that the petitioner was not found to be present there and it is not the case that the petitioner had run away from the spot in the presence of police party. Nothing is to be recovered from the petitioner as the recovery has already been effected from the other persons, who were intercepted from the place of occurrence. The petitioner has been implicated only on the basis of statement of co-accused, which is not admissible under law. Learned counsel also submits that no vehicle number is mentioned and the police party was in private vehicle, whereas, neither the number was mentioned nor any permission was sought and the private vehicle cannot be used as per directions issued by this Court in **Criminal Misc. No.30579-M of 2003** and **Criminal Misc. No.4494-M of 1997**. In the said petitions, even an affidavit was filed by the State that no private vehicle will be used but still the violation of those directions are there. Learned counsel also submits that there is no other case against the petitioner except the case under Section 323 IPC. The petitioner is ready to join investigation.*

Notice of motion for 01.12.2015.

However, in case, the petitioner joins investigation and in the event of his arrest, he shall be released on interim bail to the satisfaction of the Arresting Officer. He shall join the investigation as and when required by the Arresting Officer. He shall also comply with the conditions as envisaged under Section 438(2) of the Code of Criminal Procedure, which are as under :-

(i) that the petitioner shall make himself available for interrogation before arresting officer as and when required;

(ii) that the petitioner 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;

(iii) that the petitioner shall not leave India without the prior permission of the Court.”

Learned State counsel upon instructions from ASI Sukhdev Singh would apprise the Court that the petitioner has since joined investigation.

It has also gone undisputed that petitioner is not involved in any other case under the NDPS Act.

Accordingly, petition is allowed. Order dated 09.10.2015, passed by this Court, is made absolute.

Disposed of.

04.02.2016

vandana

**(TEJINDER SINGH DHINDSA)
JUDGE**