

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

CRM No.M-443 of 2016 (O&M)

Date of Decision: 01.03.2016

Gamdur Singh

... Petitioner

Versus

State of Haryana

... Respondent

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

Present:- Mr. P.S. Sekhon, Advocate for the petitioner.

Mr. Anmol Malik, AAG, Haryana.

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TEJINDER SINGH DHINDSA.J.

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.190 dated 16.09.2015, under Sections 15/61/85 of the NDPS Act, registered at Police Station Jakhal, Fatehabad.

On 08.01.2016, while issuing notice of motion, the following order was passed by this Court:

“The present petition has been filed under Section 438 Cr.P.C praying for grant of anticipatory bail to the petitioner in case FIR No.190 dated 16.9.2015 registered under sections 15, 61, 85 of N.D.P.S Act at Police Station, Jakhal, District Fatehabad.

Counsel would submit that the recovery of 5 kgs 200 gms poppy husk was effected from Malkeet Ram on 16.9.2015. No recovery is stated to have been made from the present petitioner. It is not even the case of the prosecution that the petitioner was present on the spot and had managed to escape. The petitioner is sought to be implicated only on the basis of a disclosure statement made by co-accused Malkeet Ram. Counsel makes a categoric submission that the petitioner is not

involved in any other proceedings under the N.D.P.S Act.

Notice of motion, returnable for 1.3.2016.

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 State counsel upon instructions from HC Virender Singh would apprise the Court that the petitioner has since joined investigation.

Petitioner is not stated to be involved in any other case under the NDPS Act.

Even the observations contained in the notice of motion order passed by this Court have gone un rebutted.

Accordingly, the present petition is allowed. Order dated 08.01.2016 passed by this Court is made absolute.

Disposed of.

01.03.2016

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**