

Sr. No.210

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM No.M-4981 of 2016 (O&M)

Date of Decision: 27.05.2016

Jaspal Singh

... Petitioner

Versus

State of Punjab

... Respondent

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

Present:- Mr. Kewal Singh, 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 pre-arrest bail to the petitioner in case FIR No.203 dated 22.12.2015, under Sections 15/61/85 of Narcotic Drugs and Psychotropic Substances Act (for short 'NDPS Act'), registered at Police Station Sadar Ludhiana, District Ludhiana.

On 02.03.2016, the following order was passed by this Court :-

“Petitioner seeks concession of anticipatory bail in case FIR No.203 dated 22.12.2015, under Sections 15/61/85 of the NDPS Act, registered at Police Station Sadar Ludhiana, District Ludhiana.

Counsel for the parties have been heard.

Even as per prosecution version, the alleged recovery is of 5 Kgs. of poppy husk and that too from a parked Scorpio vehicle.

The recovery is not from the person of the petitioner. It is not even the case of the prosecution that the petitioner was present on the spot and had managed to escape.

Petitioner is sought to be implicated on the basis of Scorpio vehicle being registered in his name.

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

Even otherwise, the alleged recovery would be construed as non-commercial.

List for further consideration on 27.05.2016.

In the meanwhile, petitioner is directed to appear before the Investigating Officer and to join investigation.

In the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting/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 would apprise the Court that petitioner has since joined investigation. It is further conceded that petitioner is not involved in any other case under the NDPS Act.

Accordingly, prayer made in the present petition is accepted.

Petition is allowed. Order dated 02.03.2016, passed by this Court, is made absolute.

Disposed of.

27.05.2016

vandana

**(TEJINDER SINGH DHINDSA)
JUDGE**