

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-11684 of 2017

.....

Date of decision:27.4.2017

Bhagel Singh

.....Petitioner

v.

State of Punjab

.....Respondent

....

Present: Mr. L.S. Sekhon, Advocate for the petitioner.

Mr. V.P.S. Sidhu, Assistant Advocate General, Punjab  
for the respondent-State.

.....

**Inderjit Singh, J.**

The petitioner has filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.19 dated 13.1.2017 registered for the offence under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as 'the Act') at Police Station City Barnala, District Barnala.

Notice of motion has been issued in this case.

Mr. V.P.S. Sidhu, learned Assistant Advocate General, Punjab has put in appearance on behalf of the respondent-State and contested this petition.

I have heard learned counsel for the petitioner and learned Assistant Advocate General, Punjab appearing for the respondent-State and have gone through the record.

From the record, I find that an application was received from the Superintendent, District Jail, Barnala by the S.H.O., Police Station City Barnala for taking action against Yogesh Kumar and his cousin Krishan Kumar. Another under-trial, namely, Kharak Singh alias Sonu was also lodged in District Jail and Bhagel Singh came to meet him there. During the search, some black coloured intoxicating material and 10 loose tablets, which seem to be intoxicating, were recovered from the turban of Baghel Singh. Charanjit Kaur wife of Kharak Singh was also accompanying him.

As per the prosecution version, he was not apprehended at that time. The petitioner has already joined the investigation. The petitioner is not required for custodial interrogation. No recovery is to be effected from him. No useful purpose will be served by sending the petitioner to custody.

Keeping in view the facts and circumstances of the present case; without discussing the facts in minute detail and without expressing any opinion on the merits of the case, I find merit in this petition and the same is allowed. The interim order dated 6.4.2017 passed by this Court granting interim bail to the petitioner is made absolute. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions of Section 438 (2) Cr.P.C.

April 27, 2017.

**(Inderjit Singh)**  
**Judge**

\*hsp\*

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| <b>NOTE:</b> | Whether speaking/reasoned: | Yes |
|              | Whether reportable:        | No  |