

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

**CRM-M-23128-2016
Date of decision-25.01.2017**

**Jagsir Singh @ Lakhvir Singh
Vs.
State of Punjab**

**...Petitioner
...Respondent**

CORAM:- HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: HC Gurmail Singh.

JITENDRA CHAUHAN, J. (Oral)

By filing the present petition under Section 438 of the Code of Criminal Procedure, the petitioner has sought anticipatory bail in FIR No.32 dated 28.02.2016, registered under Section 15 of Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Dayalpura, District Bathinda.

On 20.12.2016, this Court had passed the following order:-

“Reply filed on behalf of the State is taken on record.

The learned counsel for the petitioner refer to FIR No. 68 dated 30.06.2002, registered under Section 15 of NDPS Act, at PS Dyalpura and FIR No. 44 dated 23.04.2006, registered under Section 15 of NDPS Act, at PS Dyalpura, wherein he stands acquitted. He further states that in the instant case, the petitioner was not arrested from the spot. The vehicle in fact was lifted from his residence. Even otherwise, the quantity recovered from the petitioner is not commercial as the weight of gunny bags has also been included towards the quantity of the contraband. The present FIR has been registered at the behest of the complainant in FIR No. 105 dated 07.10.2006, wherein his sentence has already been suspended. The co-accused, Gurmail Singh who was arrested from the spot has been admitted to bail by this Court, vide order dated 18.11.2016.

On the other hand, the learned State counsel submits that the petitioner is involved in two other cases

registered under NDPS Act, however, he stands acquitted.

In the circumstances, the petitioner is directed to join the investigation. Meanwhile, in the event of arrest of the petitioner by the Arresting Officer, he shall be released on interim bail subject to the following conditions:-

1. That he shall make himself available for interrogation by a police officer as and when required;

2. That he 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 and;

3. That he shall not leave India without prior permission of the Court.

List again on 25.01.2017.”

Investigating Officer states that in pursuance of the order dated 20.12.2016, the petitioner has joined the investigation and he is not required for custodial interrogation.

In view of the above, without expressing any opinion on the merits of the case, the interim bail granted by this Court vide order dated 20.12.2016, is made absolute, subject to furnishing bail bonds/surety bonds to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, concerned.

The petition stands allowed.

(JITENDRA CHAUHAN)
JUDGE

January 25, 2017

vanita

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No