

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

CRM M-5641 of 2017 (O&M)

Date of decision: 02.05.2017.

Harpreet Singh @ Hira Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. Ashish Gupta, Advocate
for the petitioner.

Mr. P.S. Paul, DAG Punjab
assisted by ASI Rajpal Singh.

Jitendra Chauhan, J. (Oral)

The present petition has been filed under Section 438 of the Cr.P.C seeking anticipatory bail in case FIR No. 60 dated 13.09.2016 registered under Section 21 of NDPS Act at Police Station Sadar, Faridkot.

On 20.02.2017 this Court had passed the following order:-

“It is *inter alia* argued that petitioner-Harpreet Singh @ Hira Singh has not been apprehended at the spot and the only semblance of evidence is statement of his co-accused. It is further argued that the alleged recovery has already been effected and the bare allegations spelled out that two persons who were travelling in a vehicle from which the alleged contraband has been recovered-managed to flee and thus, the

very factum of conscious possession being a debatable issue, the petitioner is entitled to the relief, so sought.

Notice of motion for 2nd May, 2017.

Meanwhile, in the event of arrest, the petitioner be released on interim bail to the satisfaction of arresting/investigating officer. The petitioner shall, however, join the investigation as and when called for to do so and he shall also abide by the conditions as envisaged under Section 438(2) Cr.P.C.”

It is contended that in pursuance of the order dated 20.02.2017, the petitioner has joined the investigation.

Learned State counsel, on instructions, states that as per the FSL report, the salt in question does not come within the ambit of NDPS Act and the petitioner has joined the investigation and he is not required for custodial interrogation.

In view of above, the order dated 20.02.2017 passed by this Court is made absolute, subject to furnishing of bail-bonds/surety bonds by the petitioner to the satisfaction of the CJM/Duty Magistrate concerned.

The petition stands allowed.

02.05.2017.
SN

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No