

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

CRM No. M-12072 of 2017 (O&M)

Date of Decision: 01.05.2018

Kulwinder Singh

... Petitioner

Versus

State of Punjab

... Respondent

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

Present:- Mr. Navkiran Singh, Advocate,
for the petitioner.

Ms. Jaspreet Kaur, AAG, Punjab.

TEJINDER SINGH DHINDSA, J.(ORAL)

This order shall dispose of the instant petition filed under Section 438 Cr.P.C. seeking concession of pre arrest bail to the petitioner in case FIR No.26 dated 21.02.2017, under Section 18/61/85 of NDPS Act, registered at Police Station Division No.07, Jalandhar.

Case of the prosecution is that based on secret information, a 'Naka' having been laid, a white colour 'Endeavour SUV' bearing registration No.PB-12-Y-1433 was intercepted. Present petitioner is alleged to have run away from the spot after alighting from the vehicle. An alleged recovery of 03 Kgs 100 grams of opium is stated to have been effected from the vehicle.

Counsel for the petitioner alleges false implication. It is submitted that even though the vehicle in question belonged to the petitioner but the same had been parked at a particular Red Cross

Market Parking and the vehicle had been towed away by the police authorities and the recovery is stated to have been planted.

On 19.04.2017 while issuing notice of motion, the following order was passed by this Court:-

“Petitioner claims strong alibi on the basis of Para No.5(i) (iv) (vi) (vii) (viii) and (ix) of the grounds of petition to contend that he has been falsely implicated on the basis of previous history of his false implication in case bearing FIR No.127 dated 02.06.2015 registered under Section 18 of the NDPS Act in which he was granted bail by this Court in CRM-M No.29838 of 2015. In the present case, petitioner has already prayed for investigation by some independent agency in CRM-M No.7268 of 2017 in which notice of motion has already been issued and the case is fixed for 18.05.2017.

Notice of motion for 18.05.2017.

To be heard along with CRM-M No.7268 of 2017.

In the meanwhile, petitioner is directed to appear before the SHO/Investigating Officer to join investigation on 26.04.2017 and in the event of his arrest, he shall be enlarged on ad interim bail, subject to the satisfaction of Arresting Officer. However, petitioner shall abide by the conditions incorporated under Section 438(2) Cr.P.C.”

Learned State counsel has apprised the Court that petitioner had joined investigation.

Further more investigation process having concluded, challan has been presented. Charges are yet to be framed.

In view of the above and without making any observations on merits, prayer made in the present petition is accepted.

Order dated 19.04.2017, passed by this Court is made absolute.

Disposed of.

01.05.2018
vandana

(TEJINDER SINGH DHINDSA)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	No