

**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

**CRM-M-29033-2018
Date of decision: 01.11.2018**

Vinod Kumar @ Kali

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. B. S. Jatana, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of anticipatory bail in FIR No. 41 dated 20.06.2018, registered under Sections 353, 427, 279 read with Section 34 IPC and Section 22/61/85 of the NDPS Act at Police Station Budhlada, District Mansa.

The operative part of the order dated 18.07.2018, vide which the petitioner has been granted interim bail, is reproduced below:

“Counsel for the petitioner has submitted that FIR No.41 was registered under Sections 353, 427, 279 read with Section 34 IPC on account of rash driving of the co-accused namely Rishi Garg, who had broken the police barrier and thereafter, the car hit a tree. The police party, after enquiring the names and addresses of the occupants of the car, came to know that the person driving the vehicle was Rishi Garg along with the present petitioner – Vinod Kumar @ Kali and they were taken to Government Hospital, Budhlada for first aid. It is further submitted that later on, a Rapat No.39 dated 20.06.2018, was also registered with the allegation that while the police party was conducting the investigation of the aforesaid FIR No.41, during the search of the car, they found certain contraband and thereafter, in the FIR offence under Section 22/61/85 of the NDPS Act was also added. Counsel for the petitioner has also submitted that the petitioner is

neither the owner nor driver of the car and the recovery has been effected in the absence of the occupants of the car and, therefore, it will be a debatable issue as to whether they were found in conscious possession of the contraband or not. Counsel for the State, on instructions from ASI Darshan Singh, has not disputed the factual position and has submitted that during the search of the car, the narcotics were recovered and the petitioner was one of the occupant of the car, which met with an accident earlier on the day. List again on 01.11.2018.”

Learned counsel for the petitioner submits that the petitioner, in pursuance to the order dated 18.07.2018, has already appeared before the SHO/Investigating Officer and has joined the investigation.

Learned counsel for the State, on instructions from ASI Bhagwan Dass, has not disputed the factual position and submits that the petitioner has joined the investigation and is no more required for any further investigation.

In view of the above, the petition is allowed and the interim bail granted to the petitioner, vide order dated 18.07.2018, is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

November 01, 2018

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No