

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-30184-2018

Date of decision: 15.11.2018

Ajay Masih

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. G.S. Simble, Advocate
for the petitioner.

Mr. M.S. Nagra, AAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of anticipatory bail in FIR No.76 dated 14.08.2017 under Sections 22, 61, 29-A of NDPS Act and Section 379 IPC, registered at Police Station Fatehgarh Sahib.

While granting interim bail to the petitioner, following order was passed on 27.07.2018: -

“... Counsel for the petitioner has submitted that as per the allegation in the FIR, the petitioner was not apprehended at the spot and from the co-accused namely Raju Masih, recovery of 0.5 gms heroin was effected and the name of the petitioner surfaced on the basis of the disclosure statement made by the co-accused. It is further submitted that as per the disclosure statement, the

petitioner was a pillion rider and the allegation that the motorcycle was later on found to be stolen during the investigation relates the co-accused – Raju Masih, who has already been arrested. It is further submitted that the petitioner was earlier involved in another case under the NDPS Act, in which as per the report of FSL, the contraband was not found to be narcotic and therefore, the police has not submitted the challan....”

Learned State counsel, on instructions from SI Jang Bahadur, has not disputed the factual position and states that the petitioner is no more required for any further investigation.

In view of the above, this petition is allowed and the interim bail granted to the petitioner vide order dated 27.07.2018 is made absolute subject to the conditions envisaged under Section 438 (2) Cr.P.C.

[ARVIND SINGH SANGWAN]
JUDGE

15.11.2018
vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No