

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

CRM-M-34628-2017 (O&M)

Date of decision: 15.02.2018

Gian Chand

... Petitioner

Vs.

State of Punjab

... Respondent

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

Present: Mr. Raman Goklaney, 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 anticipatory bail to the petitioner in case FIR No.87, dated 19.06.2017, under Section 21 of the NDPS Act, registered at Police Station City Jalalabad, District Fazilka.

While issuing notice of motion, the following order was passed by this Court on 15.09.2017:

“Learned counsel for the petitioner contends that no recovery was effected from the possession of the petitioner and the 150 grams of heroine was recovered from co-accused Mohinder Singh, however, it being a non-commercial quantity, the co-accused Mohinder Singh has already been released on regular bail by the trial Court. He further submits that the petitioner was never arrested from the place of occurrence and there is no other case pending against him.

Notice of motion for 7.11.2017.

In the meanwhile, in the event of arrest of the petitioner, he shall be released on ad interim bail to the satisfaction of the arresting officer. However, the petitioner shall join the

investigation as and when directed by the investigating agency and shall abide by the terms and conditions laid down under Section 438(2) Cr.PC.”

Learned State counsel upon instructions from HC Paramjeet Singh apprises the Court that the petitioner has since joined investigation.

The observations made by this Court in the notice of motion order have gone unrebutted.

It has also been conceded that the petitioner is not involved in any other case under the NDPS Act.

In view of the above, custodial interrogation of the petitioner would not be warranted.

Petition is allowed. Order dated 15.09.2017 passed by this Court is made absolute.

15.02.2018

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |