

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

CRM-M-37309 of 2018(O&M)

Date of Decision:28.11.2018

Balwinder Singh @ Fouji

....Petitioner

Versus

State of Punjab

....Respondent

CORAM:HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Prateek Pandit, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

MAHABIR SINGH SINDHU, J.(Oral)

The present petition has been filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail to the petitioner in case FIR No.137 dated 18.06.2018 registered under Section 22 of the Narcotic Drugs and Psychotropic Substances Act 1985 at Police Station City, District Kapurthala.

On 31.08.2018, while issuing notice of motion the following order was passed by this Court:-

“ Learned counsel for petitioner submit that as per allegations in the FIR, the petitioner ran away from the spot and was not apprehended. The petitioner is ready to join the investigation to provide opportunity to the Investigating Officer to seek his identification.

Notice of motion for 28.11.2018.

Petitioner is directed to surrender before the police and join investigation within two weeks. In the event of his arrest being required, he shall be released on interim bail till the next date, subject to his furnishing bonds to the satisfaction of Arresting Officer. However, he shall abide by the terms and conditions as envisaged under Section 438(2)(i) to (iv) Cr.P.C. failing which he shall lose the benefit of interim bail allowed to him.”

It is contended by learned counsel for the petitioner that in terms of the order dated 31.08.2018, the petitioner has joined investigation on 11.09.2018 and his custodial interrogation is no longer required.

On instructions from ASI Devinderpal, the above factual position is duly acknowledged by learned State counsel and stated that the custodial interrogation of the petitioner is no longer required.

In view of the above, the order dated 31.08.2018 is made absolute subject to the provisions of Section 438(2) Cr. P.C.

Petition stands disposed off.

[MAHABIR SINGH SINDHU]
JUDGE

November 28, 2018
rashmi

Whether speaking/reasoned
Whether reportable?

yes/no
yes/no