

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-47-2018

Date of decision: 06.09.2018

Nitin @ Nitin Arora

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Harkaran Singh, Advocate for
Mr. B.S. Bhalla, 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 to the petitioner in FIR No.250 dated 17.11.2017 under Sections 22 & 29 of NDPS Act, registered at Police Station Sadar, Amritsar.

While granting interim bail to the petitioner, following order was passed on 05.02.2018: -

“Counsel for the petitioner submits that as per the allegations in the FIR, co-accused was apprehended at the spot and recovery of Tramadol, Diclomine Hydrochloride was effected from the co-accused. Counsel for the petitioner further submits that the tablets containing Tramadol, Diclomine Hydrochloride do not fall under the definition of psychotropic substance and as per Sr. No.175 of the NDPS Act, Pentazocine and injection of 1 ml, total become 500 ml. is non-commercial quantity. It is further submitted that the

petitioner has been named in the present FIR on the disclosure statement made by co-accused.

Learned State counsel, on instructions from SI Balwinder Singh, submits that the petitioner is a proclaimed offender in FIR No.13 of 2011, registered under Section 22 of NDPS Act at Police Station Division D, Amritsar and he be directed to join the investigation.

List again on 16.03.2018.”

Learned counsel for the petitioner submits that in pursuance of the order dated 05.02.2018, petitioner has joined the investigation and is not required for any further investigation.

Learned State counsel, on instructions from ASI Satpal Singh, has submitted that the petitioner stands acquitted in FIR No.13 of 2011 by the Judge, Special Court and except the present petition, the petitioner is not facing any other case. Learned State counsel has further submitted that the petitioner has joined the investigation and is no more required for any further investigation.

In view of the above, this petition is allowed and the order dated 05.02.2018, vide which the interim bail was granted to the petitioner, is made absolute subject to the conditions envisaged under Section 438 (2) Cr.P.C.

[ARVIND SINGH SANGWAN]
JUDGE

06.09.2018
vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No