

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-46905-2017(O&M)

Date of Decision: 20.02.2018

Angrej Singh

--Petitioner

Versus

State of Punjab

--Respondent

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

Present:- Mr. Sukhjeet Singh, Advocate for the petitioner.

Mr. S.S. Sandhu, A.A.G., Punjab.

TEJINDER SINGH DHINDSA.J (Oral)

This order shall dispose of the present petition filed under Section 438 Cr.P.C praying for the grant of anticipatory bail to the petitioner in case F.I.R. No.83 dated 26.7.2017 under sections 15, 25, 29, 61, 85 of N.D.P.S Act, registered at Police Station, Barnala, District Barnala.

While issuing notice of motion, the following order was passed by this Court on 11.12.2017:-

“Heard.

Learned counsel for the petitioner submits that recovery of consignment of poppy-husk was effected from the truck owned by the petitioner but he was not present at the spot. It is for the investigating agency to prove that same was effected from the conscious possession of petitioner or offender under Section 25 of Narcotic Drugs and Psychotropic Substances Act, 1985 is made out. Petitioner is ready to surrender before the police and join investigation.

Notice of motion for 20.02.2018.

In the meanwhile, 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.”

Learned State counsel upon instructions from ASI Tek Chand apprises the Court that the petitioner has joined investigation. State counsel would however oppose the prayer made in the petition by submitting that one of the co-accused namely Kulwinder Singh and who was apprehended on the spot is the son of the present petitioner.

Be that as it may, it is not the case of the prosecution that the present petitioner had been apprehended on the spot.

Petitioner is not stated to be involved in any other case under the N.D.P.S Act.

In view of the above, the present petition is allowed. The order dated 11.12.2017, passed by this Court, is made absolute.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

20.02.2018

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Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No