

In the High Court of Punjab and Haryana at Chandigarh

.....

Criminal Misc. No.M-50264 of 2018

.....

Date of decision:19.11.2018

Gurpiar Singh

...Petitioner

v.

State of Punjab

...Respondent

....

Coram: Hon'ble Mr. Justice Inderjit Singh

.....

Present: Mr. J.S. Bedi, Senior Advocate with Mr. Lovekirat S. Chahal,
Advocate for the petitioner.

Mr. Pawan Sharda, Senior Deputy Advocate General, Punjab
for the respondent-State.

Mr. Kawaljyot Singh, Advocate for the complainant.

.....

Inderjit Singh, J.

This petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail in case FIR No.153 dated 7.10.2018 registered for the offences under Sections 218 and 409 IPC; Section 59 of Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as 'the Act') and Section 13(1)(c) of Prevention of Corruption Act, 1988 (hereinafter referred as 'PC Act') and (later on Section 13(1)(c) of PC Act was omitted and Section 13(2) of PC Act and Section 342 IPC were added) at Police Station Badhni Kalan, District Moga.

Notice of motion has been issued in this case.

Mr. Pawan Sharda, learned Senior Deputy Advocate General,

[2]

Punjab has appeared on behalf of the respondent-State and Mr. Kawaljyot Singh, learned Advocate has appeared for the complainant and contested this petition.

I have heard learned counsel for the parties as well as learned State counsel and have gone through the record.

From the record, I find that the allegations against the present petitioner are that he being SHO, after recovery of 15 bags of Poppy Husk adulterated the same with cattle feed and the pure Poppy Husk was kept by him.

Learned senior counsel submitted that in the earlier FIR where Poppy Husk was recovered, challan has already been presented and FSL report has already been received and no cattle feed has been found.

A perusal of the record shows that, at this stage, it cannot be held whether any cattle feed has been mixed by the present petitioner or not in the bags of Poppy Husk.

Keeping in view the above facts, I find that neither the petitioner is required for custodial interrogation nor anything is to be recovered from him.

Keeping in view the facts and circumstances of the present case, without discussing the facts in minute detail and without expressing any opinion on the merits of the case, I accept this criminal miscellaneous petition and in the event of arrest, the petitioner shall be admitted to bail on his furnishing personal bonds and surety to the satisfaction of the Arresting/ Investigating Officer. The petitioner shall join the investigation as and

[3]

when called upon to do so and shall abide by the conditions of Section 438 (2) Cr.P.C.

November 19, 2018.

(Inderjit Singh)
Judge

hsp

NOTE:	Whether speaking/reasoned:	Yes
	Whether reportable:	No