

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of Decision: 19.12.2018

1. CRM-M-52507-2018
Gurdeep Singh

.. Petitioner

Vs.
State of Punjab

..Respondent

And

2. CRM-M-53164-2018

H.C. Resham Singh

.. Petitioner

Vs.
State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. N.S. Dandiwal, Advocate
for the petitioner in CRM-M-52507-2018.

Mr. Lovekirat Singh Chahal, Advocate
for the petitioner in CRM-M-53164-2018.

Mr. Pawan Sharda, Sr. DAG, Punjab.

...

Inderjit Singh, J. (Oral)

This order shall dispose of CRM-M-52507-2018, filed by petitioner-Gurdeep Singh and CRM-M-53164-2018, filed by petitioner-H.C. Resham Singh, under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.153 dated 07.10.2018, registered at Police Station Badhni Kalan, Moga under Sections 218 and 409 of the Indian Penal Code, 1860 and Section 59 of the NDPS Act, 1985 and Section 13(1) of the Prevention of Corruption Act, 1988 (Offence under Section 13(1)(c) of the Prevention of Corruption Act, 1988 omitted and Section 13(2) of the Prevention of Corruption Act, 1988 and Section 342 of the Indian Penal Code, 1860 were added later on).

Notice of motion was issued in both these petitions.

Learned State counsel put in appearance on behalf of respondent-State and contested these petitions.

I have heard learned counsel for the petitioner(s) as well as learned State counsel and have gone through the record.

As per the allegation in the FIR, Gurpiar Singh SHO after recovery of 15 bags of poppy husk adulterated the same with cattle feed and the pure poppy husk was kept by him. The main allegations are against the SHO Gurpiar Singh, who has already been granted benefit of anticipatory bail. At this stage, there is nothing with the prosecution to show whether any cattle feed was mixed in the bags of poppy husk. The present petitioners are not the main accused.

In pursuance of the interim orders dated 29.11.2018 and 01.12.2018 passed by this Court, the petitioners have already joined the investigation. They are not required for custodial interrogation. Therefore, no useful purpose will be served by sending them to custody.

Keeping in view the facts and circumstances of the present case; without discussing the facts of the case in minute details and without expressing any opinion on the merits of the case, I find merit in both these petitions and the same are allowed. The orders dated 29.11.2018 and 01.12.2018 granting interim bail to the petitioners, are made absolute. However, the petitioners shall join the investigation as and when called upon to do so and shall abide by the conditions of Section 438 (2) Cr.P.C.

19.12.2018

Jasmine Kaur

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No