

CRM-M-53699-2018

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

CRM-M-53699-2018

Date of Decision: 20.12.2018

Lal Chand

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Gurvinder Singh Sidhu, Advocate,
for the petitioner.

Mr. Pawan Sharda, Sr. DAG, Punjab.

INDERJIT SINGH, J. (Oral)

Petitioner has filed this petition under Section 438 of the Code of Criminal Procedure, 1973 (for brevity, 'Cr.P.C.') for 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 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 was issued in this case. Learned State counsel has put in appearance on behalf of the respondent-State and contested this petition.

CRM-M-53699-2018

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

From the record, I find that in the present case, the main accused is S.H.O. Gurpiar Singh against whom the allegation is that he mixed cattle feed in 15 bags of poppy husk and kept the poppy husk with him. Till now, there is no report that cattle feed is found in the poppy husk. The present petitioner was posted as Head Constable at that time. The main accused has already been granted the benefit of anticipatory bail by this Court vide order dated 19.11.2018 passed in CRM-M-50264-2018.

In pursuance of the interim order dated 05.12.2018 passed by this Court, the petitioner has already joined the investigation. He is not required for custodial interrogation. Therefore, no useful purpose will be served by sending him 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 this petition and the same is allowed. The order dated 05.12.2018, granting interim bail to the petitioner, is made absolute. However, the petitioner 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.

20.12.2018
parveen kumar

(INDERJIT SINGH)
JUDGE

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