

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

215

CRM-M-4083-2019 (O & M)
Date of Decision:09.05.2019

Rakesh Kumar @ Lala

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Sahil Puri, Advocate for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab.

MANOJ BAJAJ, J.(ORAL)

This petition has been filed by the petitioner under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.59 dated 07.12.2016 under Sections 22/61/85 of NDPS Act, registered at Police Station Satnampura, Phagwara, District Kapurthala. The petitioner apprehended his arrest at the hands of Police.

Learned counsel for the petitioner has invited the attention of the Court to the order dated 30.01.2019 whereby while issuing notice of motion to the respondent-State, the interim protection was extended to the petitioner. The said order reads as under:-

“Learned counsel for the petitioner submits that the petitioner was released on bail and was appearing before the trial Court regularly. Only on one date i.e. 28.11.2018, the petitioner could not appear due to noting down wrong date. His bail/surety bonds have been cancelled and non-bailable warrants were issued against him. Learned counsel also submits that the petitioner has not been declared proclaimed offender

and is ready to join the Court proceedings. He undertakes to appear before the trial Court on each and every date.

Notice of motion for 27.03.2019.

Meanwhile, the petitioner is directed to appear before the trial Court within a period of one week from the date of receipt of certified copy of this order and in case, he appears before the trial Court within the stipulated period, he shall be released on interim bail on his furnishing bail/surety bonds to the satisfaction of the trial Court subject to deposit of an amount of ₹10,000/- before the trial Court.”

Learned counsel for the petitioner further contends that in deference to the said order, the petitioner submitted himself before the Police and joined the investigation. According to him, the petitioner cooperated with the Police Authorities during the investigation and furnished requisite bonds to the satisfaction of the Investigating Officer/Arresting Officer.

Learned State counsel who is assisted by HC Manjit does not dispute this fact that the petitioner has joined the investigation. He further states that the petitioner is not required for custodial interrogation for the time being.

Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 30.01.2019 is made absolute. However, it is made clear that this order shall remain operative till the filing of the final report under Section 173 (2) Cr.P.C.

The petition stands allowed.

09.05.2019

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(MANOJ BAJAJ)
JUDGE

Whether Speaking/Reasoned: Yes/No
Whether Reportable : Yes/No