

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

CRM-M-4003 of 2019
Date of Decision:20.02.2019

Rakesh KumarPetitioner
Versus

State of PunjabRespondent

CORAM:HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Raj Kumar Gupta, Advocate for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

MAHABIR SINGH SINDHU, J.(Oral)

The present petition has been filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail to the petitioner in FIR No.204 dated 1.12.2018, under Sections 15/25 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Machhiwara, District Ludhiana.

On 29.01.2019, while issuing notice of motion this Court has passed the following order:

“Contentends that alleged contraband i.e. 29 Kgs. of *Poppy Husk* was recovered from the co-accused Ramesh Kumar, not from the petitioner. Further contends that there is no other case pending against the petitioner under the provisions of NDPS Act.

Notice of motion for 20.02.2019.

In the meanwhile, the petitioner is directed to join the investigation before the Investigating Officer. In the event of his arrest, the Arresting Officer would admit him to interim bail in the present case till the next date of hearing on his furnishing adequate bail and surety bonds to his satisfaction. The petitioner is also directed to abide by all the conditions as envisaged under Section 438(2) Cr.P.C.”

It is contended by learned counsel for the petitioner that in terms of the order dated 29.01.2019, the petitioner has joined the investigation.

On instructions from HC Harvinder Singh, the above factual position is duly acknowledged by learned State counsel and stated that the custodial interrogation of the petitioner is no longer required in the present case.

In view of the above, the order dated 29.01.2019 is made absolute subject to the provisions of Section 438(2) Cr. P.C.

Petition stands disposed off.

[MAHABIR SINGH SINDHU]
JUDGE

February 20, 2019
rashmi

Whether speaking/reasoned
Whether reportable?

yes/no
yes/no