

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-4780-2019

Date of Decision: 02.05.2019

Shampy Singh

.. Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Shubhashish Kukreti, Advocate for the petitioner.

Ms. Monika Jalota, DAG, Punjab.

...

Inderjit Singh, J. (Oral)

Petitioner Shampy Singh has filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.50 dated 24.08.2018, registered at Police Station City-I Sangrur, Punjab, under Sections 22/61/85 of the NDPS Act, 1985.

Notice of motion was issued.

Learned State counsel has appeared on behalf of the respondent-State and contested this petition.

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 the FIR in the present case has been registered on the basis of secret information that the present petitioner along with other co-accused was travelling in a car coming from Delhi. When the police party effected the recovery from Naresh Kumar @ Kalta, at that time, petitioner was not with co-accused. The only allegation against him is that he was earlier travelling with the main accused in the car.

As per the prosecution version, no recovery has been effected from the present petitioner. He was not apprehended along with the main accused.

In pursuance of the interim order dated 05.03.2019, passed by this Court, the petitioner has already joined the investigation. He is not required for custodial interrogation. No useful purpose would be served by sending the petitioner 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 05.03.2019, 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.

02.05.2019
Jasmine Kaur

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No