

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

203

CRM-M-9202 of 2019

Date of decision: 27.05.2019

JASPAL SINGH

...PETITIONER

VS.

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Divjyot S. Sandhu, Advocate
for the petitioner.

Mr. Harsimar Singh Sitta, AAG, 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.124 dated 18.10.2018 registered under Section 15 and 25 of NDPS Act, 1985, at Police Station Sadar Kapurthala, 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 28.02.2019 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 contends that the recovery was effected from Neki driver of vehicle No.PB-09-S-9475. Along with the petitioner, two other persons namely Amrik Singh @ Mika and Kulwinder Singh @ Kinda were also apprehended at the time of recovery of the contraband.

Learned counsel for the petitioner further contends that the vehicle in question belongs to petitioner and, therefore, he was indicted in this case. It is not the case of the prosecution that the petitioner was present at the spot and it is debatable as to whether the contraband belongs to him or not.

Notice of motion for 21.03.2019.

In the meanwhile, petitioner shall join the investigation and would come present as and when called for and in the event of arrest, he shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of the Arresting/Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438 (2) Cr.P.C."

Learned counsel for the petitioner 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 ASI Surjit Singh does not dispute this fact that the petitioner has joined the investigation. Learned counsel on instructions from ASI Surjit Singh 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 28.02.2019, 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.

May 27, 2019

Poonam Sharma

**(MANOJ BAJAJ)
JUDGE**

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No