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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****CRM-M-14911 of 2019****Date of decision: August 17, 2019**

Sarabjit Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU**Present:** Ms. Harveen Kaur, Advocate for the petitioner.

Mr. V.G. Jauhar, Senior DAG Punjab

MAHABIR SINGH SINDHU, J (Oral)

Present petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 (for short 'Cr. P.C.') for grant of anticipatory bail to the petitioner, in FIR No.49 dated 10.03.2019, under Section 15 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Sadar Khanna, District Ludhiana.

As per prosecution case, 3 quintal 40 kgs. of poppy-husk was recovered from the truck being driven by the petitioner along with his co-accused-Harbans Singh having sitting on conductor seat.

On 01.04.2019, while issuing notice of motion, this Court has passed the following order:-

“Contends that recovery of alleged contraband of 3 quintal 40 kgs of poppy husk has already been effected from the co-accused namely Harbans Singh and petitioner is ready to join the investigation. Further contends that there is no other criminal case pending against the petitioner.

Notice of motion for 01.05.2019.

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 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.”

Learned State counsel, on instructions from Assistant Sub Inspector Avtar Singh has submitted that the petitioner has joined investigation in terms of order dated 01.04.2019 and his custodial interrogation is not required.

In view of the above, order dated 01.04.2019 granting interim bail to the petitioner, is made absolute subject to the provisions of Section 438(2) Cr. P.C.

Petition stands disposed off, accordingly.

However, it is made clear that the petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.

The above observations may not be construed as an expression of opinion on the merits of the case.

(MAHABIR SINGH SINDHU)
JUDGE

August 17, 2019
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Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No