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

CRM-M-15246 of 2019

Date of decision: May 08, 2019

Balwinder Singh @ Khundri

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Aditya Sanghi, Advocate for the petitioner.

Mr. Sandeep Kumar, 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.0050 dated 16.03.2019, under Sections 15 and 25 of the Narcotic Drugs and Psychotropic Substance Act, 1985, registered at Police Station Sadar Fazilka, District Fazilka, Punjab.

On 08.04.2019, this Court has passed the following order:-

“Learned counsel for the petitioner contends that alleged recovery of contraband in this case is 30 kgs and that too has been effected from the co-accused namely Rajesh Singh @ Rakesh.

On the other hand, learned State counsel, on instructions from ASI Balkar Singh, has pointed out that petitioner is facing other criminal cases.

Adjourned to 08.05.2019.

In the meanwhile, petitioner is directed to join the investigation before the Investigating Officer subject to payment of costs of Rs.1,00,000/- 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.

Costs of Rs.1,00,000/- be deposited with Superintendent of Central Jail, Ludhiana within a period of one week from today and the same be utilized for conducting the Viral Load Test of the inmates of Central Jail, Ludhiana, who are suffering from HIV.”

Learned State counsel, on instructions from Assistant Sub Inspector Om Parkash has submitted that the petitioner has joined investigation in terms of order dated 08.04.2019 and his custodial interrogation is not required.

In view of the above, order dated 08.04.2019 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

May 08, 2019

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Whether speaking/ reasoned: **Yes**

Whether Reportable: **No**