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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-16480-2019
Date of decision-19.08.2019

Umesh Parkash

....Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Anish Verma, Advocate for
Mr. Rajinder Sharma, Advocate for the petitioner.

Mr. Ramdeep Partap Singh, DAG, Punjab assisted by
ASI Ajaib Singh.

MANOJ BAJAJ, J.

This petition has been filed by the petitioner under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.31 dated 09.03.2019 under Sections 21, 22 and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 Act registered at Police Station Dhanaula, District Barnala. The petitioner apprehend his arrest at the hands of Police.

Learned counsel for the petitioner has invited the attention of the Court to the order dated 10.04.2019 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 based upon secret information action was taken by Police and recovery was effected from Gagandeep Singh @ Gagan

and Amandeep Singh @ Papna and the alleged contraband was recovered from their possession. According to him, the petitioner was neither named in the secret information nor was present at the time of recovery. It is further contended that the petitioner had worked as Medical Representative and stands indicted on the basis of disclosure suffered by the accused arrested on the spot. According to him, the said statement may not be admissible in evidence.

Notice of motion for 06.05.2019.

Meanwhile, the petitioner shall join the investigation and would come present as and when called for and in the event of arrest, the petitioner shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of 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 further 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 Ajaib Singh does not dispute this fact that the petitioner has joined the investigation. Learned counsel on instructions from ASI Ajaib 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 10.04.2019 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.

(MANOJ BAJAJ)
JUDGE

19.08.2019
vanita

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No