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

CRM-M-17008 of 2019

Date of decision: July 10, 2019

Pala Singh @ Palli

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Salil Dev Singh Bali, Advocate for the petitioner.

Mr. Saurav Khurana, 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.108 dated 02.08.2018, under Sections 15, 61, 85 of Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Sadar Fazilka, District Fazilka.

As per prosecution case, 52 kg of poppy-husk was recovered from the possession of co-accused of the petitioner.

On 23.04.2019, this Court has passed the following order:-

“Contends that as per the case of the prosecution itself, the recovery of alleged contraband i.e. 52 Kgs. of Poppy Husk was effected from the driver of the motorcycle, whereas the petitioner was driving another vehicle i.e. Moped. However, S.I. Amarjeet Singh submits that there is another case pending against the petitioner.

On request of learned Counsel for the petitioner, adjourned to 10.07.2019.

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 in the present case 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 police official present in Court to assist him, has submitted that the petitioner has joined investigation in terms of order dated 23.04.2019 and his custodial interrogation is not required.

In view of the above, order dated 23.04.2019 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

July 10, 2019

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Whether speaking/ reasoned: **Yes**

Whether Reportable: **No**