

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

**CRM-M No. 18432 of 2019
Date of Decision:-09.12.2019**

Sukhwant Singh @ Banta

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present:- Mr. HPS Bhinder, Advocate
for the petitioner.

Mr. Kirat Singh Sidhu, DAG, 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.30 dated 29.3.2019, under Section 18/61/85 of NDPS Act, registered at Police Station Dirba, District Sangrur. The petitioner apprehended his arrest at the hands of Police in the above FIR.

Learned counsel for the petitioner has invited the attention of the Court to the order dated 03.5.2019 whereby while issuing notice of motion to the respondent-State, the interim protection was extended to the petitioner. The said order reads as under:-

“CRM-14115-2019

The application has been filed for preponing the

date of hearing of the main petition which is fixed for 23.05.2019.

For the reasons mentioned in the application, same is allowed and the date of hearing is preponed to today.

Main case

Learned counsel for the petitioner contends that the FIR is based on a secret information wherein though name of the petitioner was mentioned but at the time of recovery, it was only one person, namely, Harjinder Singh @ Bagga was found in possession of the alleged contraband. According to him, the petitioner was neither present at the spot nor there is any material to even remotely connect him with the crime.

Notice of motion for 07.08.2019.

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 Satgur Singh

does not dispute this fact that the petitioner has joined the investigation. Learned counsel on instructions from ASI Satgur 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 03.5.2019 is made absolute.

December 09, 2019
Vijay Asija

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No