

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-43638-2018

Date of Decision: 31.01.2019

Jaswinder Singh

.. Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Sant Pal Singh Sidhu, Advocate for the petitioner.

Ms. Monika Jalota, DAG, Punjab.

...

Inderjit Singh, J. (Oral)

Petitioner Jaswinder Singh has filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.214 dated 14.09.2018, registered at Police Station Sadar Khanna, Police District Khanna, District Ludhiana, under Sections 18/25/29 of the NDPS Act, 1985.

Notice of motion was issued.

Learned State counsel has appeared on behalf of the respondent-State and contested this petition.

I have heard learned counsel for the petitioner as well as learned State counsel and have gone through the record.

As per the prosecution version, 2 kg of opium was recovered from co-accused Anish. The present petitioner has been nominated on the disclosure statement made by the co-accused that said opium was delivered by the present petitioner. He is stated to be posted as District Food & Supply Officer.

Learned counsel for the petitioner submits that the petitioner

has already filed a complaint against one depot holder and Ex-MLA and due to that complaint, he has been falsely implicated in this case. Otherwise, the recovery in this case is non-commercial.

In pursuance of the interim order dated 04.10.2018, passed by this Court, the petitioner has already joined the investigation. He is not required for custodial interrogation. Recovery has already been effected. No useful purpose would be served by sending him to custody.

Keeping in view the facts and circumstances of the present case; without discussing the facts of the case in minute details and without expressing any opinion on the merits of the case, I find merit in this petition and the same is allowed. The order dated 04.10.2018, granting interim bail to the petitioner, is made absolute. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions of Section 438 (2) Cr.P.C.

31.01.2019
Jasmine Kaur

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No