

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

**CRM-M No. 22138 of 2019
Date of Decision:-26.09.2019**

Rajinder Singh alias Jinda

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present:- Mr. Vineet Sachdeva, Advocate for
Mr. Rahul Arora, Advocate
for the petitioner.

Mr. Ramdeep Partap Singh, 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.58 dated 30.4.2019, under Section 22 of NDPS Act, registered at Police Station Arniwala, District Fazilka. The petitioner apprehend his arrest at the hands of Police in the above FIR.

Learned counsel for the petitioner contends that the quantity of the contraband allegedly recovered from the petitioner was non-commercial quantity. He has invited the attention of the Court to the order dated 15.5.2019 whereby while issuing notice of motion to the respondent-State, the interim protection was extended to the petitioner. The said order reads as under:-

“Learned counsel for the petitioner contends that as per the FIR itself, the petitioner was not apprehended on the spot nor the alleged contraband was found in his possession as according to Police, it was allegedly thrown by the petitioner while running away. According to him, Police officials were also in a vehicle and did not apprehend the petitioner. It is pointed out that it has not been revealed as to how the name of the petitioner was known to the Police Officials, as FIR contains his name.

Notice of motion for 26.09.2019.

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 Harjinder Singh does not dispute this fact that the petitioner has joined the investigation. Learned counsel on instructions from ASI Harjinder 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 15.5.2019 is made absolute.

September 26, 2019
Vijay Asija

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No