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

CRM-M-22122 of 2019

Date of decision: September 05, 2019

Rai Chand

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Prateek Pandit, Advocate for the petitioner.

Mr. H.S. Multani, AAG 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.50 dated 18.03.2018, under Section 20 of Narcotic Drugs and Psychotropic Substances Act 1985 (for short 'NDPS Act'), registered at Police Station City Phagwara, District Kapurthala.

On 15.05.2019, while issuing notice of motion, this Court has passed the following order:-

“Contends that on account of some miscommunication with the Counsel of learned trial Court, petitioner could not appear on 08.03.2019 and that led to the cancellation of bail bonds and surety bonds. Further contends that petitioner is ready to join the investigation.

Notice of motion for 08.08.2019.

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.”

On 29.08.2019, in CRM No.25136 of 2019 in CRM-M-22122 of 2019, this Court has passed the following order:-

“Application for modification of order dated 15.05.2019 (A-1) is allowed as prayed for subject to all just exceptions.

Last paragraph of order dated 15.05.2019 is modified and be read as under:-

“In the meanwhile, the petitioner is directed to appear before the learned trial Court. In the event of his doing so, learned trial Court would admit him to interim bail till the next date of hearing on his furnishing adequate bail and surety bonds to its satisfaction.”

Learned counsel for the petitioner has submitted that in terms of order dated 29.08.2019 passed by this Court, petitioner has joined proceedings before learned trial Court and has also furnished necessary bail/surety bonds.

The above factual position is duly acknowledged by learned State counsel, on instructions from Assistant Sub Inspector Gurwinderpal Singh.

In view of the above, order dated 29.08.2019 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

September 05, 2019
mahavir

Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No