

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-22331-2019

Date of decision: 28.05.2019

Balwinder Singh @ Binder

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. J.K. Singla, Advocate
for the petitioner.

Mr. M.S. Nagra, AAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of anticipatory bail in FIR No.43 dated 15.04.2019 under Sections 15, 16/61/85 of NDPS Act (Act No.61 of 1985), registered at Police Station Bhikhi, District Mansa.

While granting interim bail to the petitioner, following order was passed by this Court on 16.05.2019: -

“... Counsel for the petitioner has submitted that as per the allegations in the FIR, registered on the secret information that the petitioner has planted poppy plants in his fields, a raid was conducted and 15 kgs of poppy plants were recovered from the fields. It is further submitted that the raid was conducted in the absence of the petitioner and the recovery falls in the non-

commercial quantity. It is also argued that it will be a debatable issue to be decided during the course of trial whether the poppy plants, description of which is given, without poppy heads would fall in the category of narcotics....”

Learned counsel for the petitioner submits that in pursuance of the aforesaid order, petitioner has joined the investigation and is not required for any further investigation.

Learned State counsel, on instructions from ASI Kulwant Singh, has not disputed the factual position and states that the petitioner is no more required for any further investigation.

In view of the above, this petition is allowed and the interim bail granted to the petitioner vide order dated 16.05.2019 is made absolute subject to the conditions envisaged under Section 438 (2) Cr.P.C.

[ARVIND SINGH SANGWAN]
JUDGE

28.05.2019
vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No