

CRM-M-23127-2019
Date of decision-04.10.2019

State of Punjab **...Respondent**

Mr. Ramdeep Partap Singh, DAG, Punjab.

MANOJ BAJAJ, J.

This petition has been filed by the petitioners under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.60 dated 09.04.2019 under Section 15 of Narcotic Drugs and Psychotropic Substances Act, 1985 Act registered at Police Station Sidhwan Bet, District Ludhiana. The petitioners apprehend their arrest at the hands of Police.

Learned counsel for the petitioners has invited the attention of the Court to the order dated 20.05.2019 whereby while issuing notice of motion to the respondent-State, the interim protection was extended to the petitioners. The said order reads as under:-

“Learned counsel for the petitioners contends that the petitioners who are father and son were not present at the residence when the alleged recovery was effected on a secret information received by the Police. According to him, 22 k.g. of poppy husk was recovered which falls within the non-commercial quantity. According to him, the procedure for search and seizure was not followed. Notice of motion for 04.10.2019. Meanwhile, the petitioners shall join the investigation

and would come present as and when called for and in the event of arrest, the petitioners shall be admitted to interim bail on their furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioners shall also abide by the conditions as specified under Section 438(2) Cr.P.C.”

Learned counsel for the petitioners further contends that in deference to the said order, the petitioners submitted themselves before the Police and joined the investigation. According to him, the petitioners 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 Roshan does not dispute this fact that the petitioners have joined the investigation. Learned counsel on instructions from ASI Roshan further states that the petitioners are 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 20.05.2019 is made absolute.

04.10.2019

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(MANOJ BAJAJ)

JUDGE

Whether speaking/reasoned :

Yes

No

Whether Reportable :

Yes

No