

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

**CRM-M No.52547 of 2018 (O&M)
Date of Decision: 03.07.2019**

Vishal Chopra

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Navraj Singh Mahal, Advocate for the petitioner.

Mr. Venu Gopal Jauhar, Senior Deputy Advocate General, Punjab
for the respondent/State.

MAHABIR SINGH SINDHU, J. (Oral)

Present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.0107 dated 09.07.2018, under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Division No.2, District Jalandhar.

This Court, while issuing notice of motion on 29.11.2018, passed the following order:-

“ Through this petition moved under Section 438 Cr.P.C., prayer has made for anticipatory bail, in case FIR No.0107 dated 09.07.2018, registered under Section 22 of NDPS Act, 1985, at Police Station Division No.2, District Jalandhar.

According to the prosecution, 1180 tablets of Alprazolam were effected from the co-accused of the petitioner namely Abhishek Kataria and Rajinder Kumar @ Jindi, who during their interrogation suffered disclosure statements that they purchased the said contraband from the petitioner.

Learned counsel contends that the petitioner has falsely been implicated in the instant case only on the basis of alleged disclosure statements of co-accused Abhishek Kataria and Rajinder Kumar @ Jindi, which are a very weak type of evidence. No recovery has to be effected from the petitioner. Even, petitioner is not found involved in any other case under NDPS Act. The petitioner is ready to join the investigation.

Notice of motion for 27.02.2019.

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

Contends that in terms of above order, petitioner has joined the investigation and his custodial interrogation is no longer required.

The aforesaid factual position is duly acknowledged by learned State Counsel, on instructions from ASI Balwinder Singh.

In view of above, interim order dated 29.11.2018 is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.

Disposed off accordingly.

July 03, 2019

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**(MAHABIR SINGH SINDHU)
JUDGE**

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether Reportable</i>	<i>Yes</i>