

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

**CRM-M No.24647 of 2019 (O&M)
Date of decision : October 30, 2019**

Raj Kumar

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE MANOJ BAJAJ

Present:- Mr. Ashok Gupta, Advocate for the petitioner.

Mr. K.S. Sidhu, 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.14 dated 25.04.2019 under Section 21-29-27-A of Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Pojewal, District Shaheed Bhagat Singh Nagar, Punjab. The petitioner apprehend his arrest at the hands of Police.

Learned counsel for the petitioner has invited the attention of the Court to the order dated 28.05.2019 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 the FIR was registered on the basis of secret information and recovery of contraband stood effected from co-accused. According to him, indictment of the petitioner is on the basis of disclosure suffered by co-accused namely Kulwant Singh @ Kanta and Gurdeep Singh @ Laddi and the same may not be admissible in evidence

against him. According to him, custodial interrogation of the petitioner may not be necessary.

Notice of motion for 30.10.2019.

In 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 on instructions from ASI Ram Singh does not dispute this fact that the petitioner has joined the investigation. Learned counsel 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 28.05.2019 is made absolute.

(MANOJ BAJAJ)
JUDGE

October 30, 2019

sarita

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No