

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-27083-2019 (O&M)
Date of decision: 27.09.2019

Jabarvir Singh @ Babbu

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. B.S. Jaswal, Advocate for
Mr. Dinesh Nagar, Advocate
for the petitioner.

Mr. Jagmohan Ghumman, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of anticipatory bail in FIR No.94 dated 26.09.2018 under Section 22 of NDPS Act, registered at Police Station Banur, District Patiala (now District S.A.S. Nagar).

While granting interim bail to the petitioner, following order was passed by this Court on 11.07.2019: -

“...Counsel for the petitioner has submitted that as per the allegations on 26.09.2018, the police party was present at a Naka and signaled a car bearing registration No.PB32-Q-0670 and when the said car stopped, both the occupants of the same tried to escape, however, one of them was apprehended and disclosed his

name as Gurpal Singh. Thereafter, on his disclosure statement, the police came to know that the other person, who ran away from the spot is the present petitioner –Jabarvir Singh @ Babbu.

Counsel for the petitioner has further submitted that it is further stated in the FIR that the petitioner had dropped the polythene bag near the car and on search of the same, 50 injections of buprenorphine was recovered. It is further submitted that the co-accused of the petitioner namely Gurpal Singh has already been granted the concession of regular bail vide order dated 08.07.2019 passed in CRM-M No.16169 of 2019. It is further argued that it will be a debatable issue, to be decided during the course of trial, regarding the identity of the petitioner as well as the conscious possession on his part. It is also submitted that no other case under the NDPS Act is registered against the petitioner.

Counsel for the State, on instructions from ASI Gurnam Singh has not disputed the factual position but opposed the prayer for bail. It is further submitted that the petitioner be directed to join the investigation....”

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 HC Mohinder 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 11.07.2019 is made absolute subject to the conditions envisaged under Section 438 (2) Cr.P.C.

27.09.2019

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[ARVIND SINGH SANGWAN]
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No