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

CRM-M-30389 of 2019 (O&M)

Date of decision: September 17, 2019

Rishab Madan

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Rahul Arora, Advocate for the petitioner.

Mr. H.S. Multani, AAG Punjab.

MAHABIR SINGH SINDHU, J (Oral)

Present petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 (for short 'Cr. P.C.') for grant of anticipatory bail to petitioner, in FIR No.68 dated 17.06.2019, under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act') (Section 29 of NDPS Act added later on), registered at Police Station City Fazilka, District Fazilka.

As per prosecution case, petitioner has been implicated in this case on the basis of disclosure statement of co-accused, namely Abhishek Sharma.

On 19.07.2019, while issuing notice of motion, this Court has passed the following order:-

“Contends that neither the petitioner has been named in the FIR; nor any recovery was effected from him. Further contends that there is no other criminal case pending against the petitioner and he has been falsely implicated only on the basis of disclosure statement made by co-accused Abhishek

Sharma.

Notice of motion for 17.09.2019.

In the meanwhile, the petitioner is directed to join the investigation before the Investigating Officer. In the event of his arrest, the Arresting Officer would admit him to interim bail in the present case till the next date of hearing on his furnishing adequate bail and surety bonds to his satisfaction. The petitioner is also directed to abide by all the conditions as envisaged under Section 438(2) Cr.P.C.”

Learned State counsel, on instructions from Assistant Sub Inspector Harbans Singh, has stated that in terms of order dated 19.07.2019, the petitioner has also joined investigation and his custodial interrogation is not required.

In view of the above, order dated 19.07.2019 granting interim bail to the petitioner, is made absolute subject to the provisions of Section 438(2) Cr. P.C.

Petition stands disposed off, accordingly.

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

The above observations may not be construed as an expression of opinion on the merits of the case.

(MAHABIR SINGH SINDHU)
JUDGE

September 17, 2019

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Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No