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

CRM-M-33537 of 2019

Date of decision: October 03, 2019

Sunny Masih

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Vinay Kumar, Advocate for the petitioner.

Mr. H.S. Multani, AAG Punjab.

MAHABIR SINGH SINDHU, J

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.58 dated 05.07.2019, under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Kotli Surat Mallian, Tehsil Batala, District Gurdaspur.

On 29.08.2019, this Court has passed the following order:-

“Contends that neither the petitioner has been named in the FIR nor any recovery has been effected from him, rather, 270 intoxicant tablets were recovered from the possession of co-accused, namely Gulshan Kumar, on 05.07.2019; and on the basis of his disclosure, petitioner has been nominated as an accused in this case. Also contends that there is no other case, under the provisions of Narcotic Drugs and Psychotropic Substances Act, 1985, pending against him.

Learned State counsel seeks time to have instructions regarding pendency of any other case against the petitioner.

Adjourned to 03.10.2019.

In the meanwhile, petitioner is directed to join investigation before the Investigating Officer. In the event of his arrest, the Arresting Officer would admit him to interim bail, 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) of Code of Criminal Procedure, 1973.”

Learned State counsel, on instructions from ASI Anil Kumar, has stated that in terms of order dated 29.08.2019, the petitioner has joined investigation and his custodial interrogation is not required.

In view of the above, order dated 29.08.2019 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

October 03, 2019

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Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No