

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-35583 of 2019
Date of Decision: 13.11.2019

Babbu @ Jaswinder Singh	Versus	Petitioner
State of Punjab		...Respondent

CORAM:HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Kuldip Singh, Advocate
for the petitioner.

Mr. V.G. Jauhar, Sr. DAG, Punjab.

MAHABIR SINGH SINDHU, J.(Oral)

Present petition has been filed under Section 438 Cr.P.C.
seeking pre arrest bail in case FIR No.107 dated 03.08.2019 under
Section 15 of the Narcotic Drugs and Psychotropic Substances Act,
1985, registered at Police Station Vairoke, District Fazilka.

On 13.09.2019, the following order was passed by this
Court:

*“Contends that recovery from the petitioner is only 1.5
kg of poppy-husk and there is no other criminal case
pending against him.*

*Learned State counsel seeks to verify pendency of other
criminal cases against the petitioner.*

Adjourned to 01.11.2019.

*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.”*

It is contended by learned counsel for the petitioner that in terms of the above order, petitioner has already joined investigation.

Learned State counsel on instructions from ASI Balkar has acknowledged the above factual position and stated that the custodial interrogation of the petitioner is no longer required in the present case.

In view of the above, order dated 13.09.2019 is made absolute subject to the provisions of Section 438(2) Cr. P.C.

Petition stands disposed off.

However, it is made clear that above observations may not be construed as an expression of opinion on the merit of the case pending before learned trial Court.

[MAHABIR SINGH SINDHU]
JUDGE

November 13, 2019

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Whether speaking/reasoned
Whether reportable?

Yes/no
Yes/no