

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

**CRM-M No. 37854 of 2019
Date of Decision:-07.11.2019**

JATINDER SINGH

.....Petitioner

V/S

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Monty Goyal, Advocate
for the petitioner.

Mr. Sandeep Singh Deol, D.A.G. Punjab.

ARUN KUMAR TYAGI, J. (ORAL)

Prayer in the petition is for grant of anticipatory bail to the petitioner in case FIR No.126 dated 25.05.2018 registered under Sections 18, 27(A), 28, 29 and 61 of NDPS Act, 1985 at Police Station Dehlon, Ludhiana, District Ludhiana.

While issuing notice of motion, the petitioner was granted interim bail vide order dated 11.09.2019 by this Court with direction to join the investigation.

Learned State Counsel has appeared on behalf of the respondent-State and opposed the bail application.

I have heard learned Counsel for the petitioner as well as learned State Counsel and have gone through the record.

Learned Counsel for the petitioner has submitted that the petitioner was falsely implicated in the present case on the basis of secret information for alleged recovery of 70 grams of opium from his motor

room. The money allegedly recovered belonged to his father who had entered into agreement to sell dated 18.05.2018 with Paramjit Singh. There is no cogent evidence regarding financing of illicit trafficking and harbouring of offender by the petitioner. The case involves recovery of non-commercial quantity. Section 37(b) of the NDPS Act is not applicable in the present case. The petitioner joined the investigation. Nothing is to be recovered from the petitioner and his custodial interrogation is not required.

Learned State Counsel has acknowledged that in compliance with order dated 11.09.2019 passed by this Court, the petitioner joined investigation and submitted that his custodial interrogation is not required for effecting any further recovery.

In view of the facts and circumstances of the case, particularly the fact that custodial interrogation of the petitioner is not required in the case but without expressing any opinion on the merits of the case, I am of the considered view that the petitioner deserves the concession of anticipatory bail. Therefore, the petition is allowed and order dated 11.09.2019 granting interim bail to the petitioner is made absolute. However, the petitioner shall join the investigation again if and as and when called upon to do so and shall abide by the conditions enumerated in Section 438 (2) of the Cr.P.C.

07.11.2019

Rajeev (rvs)

**(ARUN KUMAR TYAGI)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No