

**PUNJAB AND HARYANA HIGH COURT
CHANDIGARH**

203

CRM-M-46336-2019

Date of decision : 05.12.2019

Didar Singh

Petitioner.....

V/s

State of Punjab

Respondent.....

CORAM : HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Arunjeet Singh Kakkar, Advocate for the petitioner.

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

ARUN KUMAR TYAGI, J. (Oral)

Prayer in the present petition filed under Section 438 of the Code of Criminal Procedure, 1973 is for grant of anticipatory bail to the petitioner in case FIR No.137 dated 07.10.2019 registered under Section 15 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the NDPS Act) at Police Station Sadar Sri Muktsar Sahib, District Sri Muktsar Sahib.

While issuing notice of motion, the petitioner was granted interim bail by this Court vide order dated 01.11.2019 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 not apprehended at the spot and recovery was not made from him. The petitioner is alleged to have escaped after throwing

plastic bag containing 5 kgs. of poppy husk whereas due to tumor in his right leg, it is not possible for the petitioner to run away. He has been falsely implicated for alleged recovery of narcotic substances. The petitioner has joined the investigation and his custodial interrogation is not required.

Learned State Counsel has acknowledged that in compliance with order dated 01.11.2019 passed by this Court, the petitioner has 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 01.11.2019 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.

05.12.2019
Kothiyal

(ARUN KUMAR TYAGI)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No