

In the High Court of Punjab and Haryana at Chandigarh

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(1) Criminal Misc. No.M-61577 of 2018

.....

Date of decision:08.02.2019

Ajit Singh alias Gora

.....Petitioner

v.

State of Punjab

.....Respondent

....

(2) Criminal Misc. No.M-64728 of 2018

.....

Amandeep Singh alias Aman

.....Petitioner

v.

State of Punjab

.....Respondent

....

Present: Mr. Nandan Jindal, Advocate for the petitioner in Cr.
Misc. No.M-61577 of 2018.

Mr. Monty Goyal, Advocate for the petitioner in Cr. Misc.
No.M-64728 of 2018.

Mr. Dhruv Dayal, Senior Deputy Advocate General, Punjab for
the respondent-State.

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Inderjit Singh, J.

This order will dispose of the above mentioned two petitions
filed under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR
No.285 dated 17.11.2018 registered for the offences under Sections 22 and

29 of the Narcotic Drugs and Psychotropic Substances Act, 1985

(hereinafter referred to as 'the Act') at Police Station Samrala, District Ludhiana.

Notice of motion was issued in these cases.

Mr. Dhruv Dayal, learned Senior Deputy Advocate General, Punjab has put in appearance on behalf of the respondent-State and contested these petitions.

I have heard learned counsel for the petitioners as well as learned State counsel and have gone through the record.

Learned counsel for the petitioners argued that the accused will not come to the witness box to prove the identity of the accused and, at this stage, they argued that there is nothing to prove the identity of the present petitioners.

Both the petitioners are stated to have run away from the spot at the time of recovery. The recovery has been effected from the other accused. There is nothing, at this stage, said in the FIR or other documents that the present petitioners were identified by any of the Police officials. No description of the accused, who ran away from the spot, have been given in the FIR. The petitioners have been nominated by the co-accused.

The petitioners have already joined the investigation. They are not required for custodial interrogation. No useful purpose will be served by sending the petitioners to custody.

Keeping in view the facts and circumstances of the present case; without discussing the facts in minute detail and without expressing any opinion on the merits of the case, I find merit in these petitions and the same are allowed. The interim orders dated 07.01.2019 passed by this Court

granting interim bail to the petitioners are made absolute. However, the petitioners shall join the investigation as and when called upon to do so and shall abide by the conditions of Section 438 (2) Cr.P.C.

February 08, 2019.

(Inderjit Singh)
Judge

hsp

NOTE:	Whether speaking/reasoned:	Yes
	Whether reportable:	No