

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-62156-2018

Date of Decision: 04.02.2019

Baljinder Lal

.. Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Brijeshwar Singh Bhalla, Advocate for the petitioner.

Mr. Dhruv Dayal, Sr. DAG, Punjab.

...

Inderjit Singh, J. (Oral)

Petitioner Baljinder Lal has filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.0177 dated 12.08.2018, registered at Police Station City Moga, District Moga, under Sections 22 of the Narcotic drugs and Psychotropic Substances Act, 1985.

Notice of motion was issued.

Learned State counsel has appeared on behalf of the respondent-State and contested this petition.

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

From the record, I find that the recovery has been effected in the present case from two other co-accused, who have made the disclosure that they have purchased the same from the present petitioner. At the most, the offence committed by the present petitioner falls under Section 29 of the NDPS Act and Section 37 of the NDPS Act does not apply in the present

case.

Learned counsel for the petitioner submitted that the present petitioner has no concern with the co-accused from whom the recovery has been effected. At this stage, except the disclosure of the co-accused made to the police, there is no other evidence against the present petitioner.

In pursuance of the interim order dated 10.01.2019, passed by this Court, the petitioner has already joined the investigation. He is not required for custodial interrogation. No useful purpose would be served by sending him to custody.

Keeping in view the facts and circumstances of the present case; without discussing the facts of the case in minute details and without expressing any opinion on the merits of the case, I find merit in this petition and the same is allowed. The order dated 10.01.2019, granting interim bail to the petitioner, is made absolute. However, the petitioner 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.

04.02.2019
Jasmine Kaur

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No