

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

**CRM-M No. 64331 of 2018
Date of Decision:-14.02.2019**

Kulwinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

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

Mr. Bhupender Beniwal, AAG, Punjab.

MANOJ BAJAJ J.(Oral)

By filing the present petition under Section 438 of the Code of Criminal Procedure, the petitioner has sought anticipatory bail in FIR No. 111 dated 30.11.2018, under Section 15 of NDPS Act, registered at Police Station Vairoke, District Fazilka.

On 21.12.2018, this Court had passed the following order :-

“Learned counsel for the petitioner contends that as per the secret information it was informed to the Police that one Gaggu Singh son of Harjit Singh is engaged in selling the poppy husk and if raid is conducted the same can be recovered. Except for recording the FIR No.111 dated 30.11.2018 (wrongly mentioned in petition as 30.10.2018) under Section 15 of NDPS Act, Police Station Vairoke, District Fazilka, the

post-raid particulars are not contained in the FIR. It is also pointed out that the alleged recovery of 40 k.g. of poppy husk was effected from a spot which at least is not a house, much less owned by the petitioner-Kulwinder Singh.

Notice of motion for 14.02.2019.

Meanwhile, the petitioner shall join the investigation and would come present as and when called for and in the event of arrest, the petitioner shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438 (2) Cr.P.C.”

Learned counsel for the petitioner contends that in pursuance of the order dated 21.12.2018, the petitioner has joined the investigation.

Learned State counsel on instructions of ASI Malkit Singh submits that the petitioner has joined the investigation and he is not required for custodial interrogation.

In view of the above, without expressing any opinion on the merits of the case, the interim bail granted by this Court vide order dated 21.12.2018, is made absolute.

The petition stands allowed.

February 14, 2019
Vijay Asija

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No