

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

CRM-M-51631-2019
Date of Decision:19.12.2019

Kanti and others

....Petitioners

Versus

State of Punjab and another

...Respondents

CORAM:HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. A.P. Kaushal, Advocate
for the petitioners.

Mr. V.G. Jauhar, Sr. DAG, Punjab.

MAHABIR SINGH SINDHU, J.(Oral)

Present petition has been filed under Section 438 Cr.P.C. seeking pre arrest bail in case FIR No.189 dated 08.10.2019 under Sections 22, 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 and Sections 186, 353 and 225 of the Indian Penal Code, registered at Police Station Goindwal Sahib, Disstrict Tarn Taran.

On 05.12.2019, the following order was passed by this Court:

“The petitioners are seeking anticipatory bail in FIR No.189 dated 08.10.2019, under Sections 22 & 29 of the NDPS Act, 1985 and Sections 186, 353 & 225 of the IPC, registered at Police Station Goindwal Sahib, District Tarn Taran.

Learned counsel for the petitioners contends that allegations against the petitioners are that when the police party had come to arrest a resident of the village in an NDPS case, the petitioners, who are ladies, had assaulted the police officials. He, however, contends that the police officials had fired in the air and they had not received any injury. No medical examination of the

police officials was conducted.

*Issue notice to the respondents returnable on
19.12.2019.*

*In the meantime, the petitioners are directed to appear
before the Investigating Officer and join investigation.*

*In the event of their arrest, the Investigating
Officer/Arresting Officer shall release the petitioners on
ad-interim bail subject to his/her satisfaction. The
petitioners shall remain bound by the conditions
envisaged under Section 438(2) Cr.P.C. ”*

It is contended by learned counsel for the petitioners that
in terms of the above order, petitioners have already joined
investigation.

Learned State counsel on instructions from SI Iqbal Singh
has acknowledged the above factual position and stated that the
custodial interrogation of the petitioners is no longer required in the
present case.

In view of the above, order dated 05.12.2019 is made
absolute subject to the provisions of Section 438(2) Cr. P.C.

Petition stands disposed off.

However, it is made clear that above observations may
not be construed as an expression of opinion on the merit of the case
pending before learned trial Court.

**[MAHABIR SINGH SINDHU]
JUDGE**

December 19, 2019
rashmi

Whether speaking/reasoned
Whether reportable?

yes/no
yes/no