

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

201

CRM-M-12045-2020

Date of decision: 20.07.2020

Baljit Singh @ Babbu

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Mandeep Kumar Dhot, Advocate
for the petitioner.

Mr. M.S. Nagra, AAG, Punjab
for the respondent-State.

ARUN KUMAR TYAGI, J (ORAL)

The case has been taken up for hearing through video conferencing.

The petitioner has filed this petition under Section 438 of the Code of Criminal Procedure, 1973 (for short, "Cr.P.C") for grant of anticipatory bail in case FIR No.40 dated 10.03.2020 registered under 15 of the NDPS Act at Police Station Amargarh, District Sangrur.

While issuing notice of motion on 08.05.2020, this Court had granted the interim anticipatory bail to the petitioner 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 falsely implicated in the present case on the basis of

alleged identification by ASI Baldev Singh for alleged possession of non-commercial quantity of poppy-husk. The petitioner was not arrested on the spot. Mandatory provisions of the NDPS Act were not complied with. No independent witness was joined during the investigation. The petitioner is not involved in any other case under the NDPS Act. The petitioner has joined the investigation and his custodial interrogation is not required for making any recovery.

Learned State counsel has acknowledged that in compliance with order dated 08.05.2020 passed by this Court, the petitioner has joined the investigation and submitted that his custodial interrogation is not required for effecting any 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 08.05.2020 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., failing which the protection of anticipatory bail order shall not be available to him.

20.07.2020

Kothiyal

**(ARUN KUMAR TYAGI)
JUDGE**

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