

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

CRM-M-12245-2020

Date of Decision : 22.07.2020

Mandeep Singh @ Mandy

....Petitioner

Versus

State of Punjab

...Respondent

CORAM : HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA

Present: Mr.Arshdeep Singh Brar, Advocate
for the petitioner.

Mr.Gaurav Garg Dhuriwala, Sr.DAG, Punjab.

...

TEJINDER SINGH DHINDSA, J.(ORAL) _

Matter has been taken up through Video Conferencing via Webex facility in the light of the COVID-19 situation and as per instructions.

This order shall dispose of the instant petition filed under Section 438 Cr.PC seeking anticipatory bail to the petitioner in FIR No. 49 dated 03.03.2020 registered under Sections 21/25 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station City Moga, District Moga.

On 13.05.2020 while issuing notice of motion the following order was passed by this Court :

“Matter has been taken up through video conferencing via WhatsApp facility in the light of the Pandemic Covid-19 situation and as per instructions.

Petitioner seeks concession of pre-arrest bail in FIR No.49 dated 03.03.2020 registered under Sections 21/25 of the NDPS Act, at Police Station, City Moga, District Moga.

As per prosecution version, a raid having been conducted, an alleged recovery of 41 grams of heroin was effected.

Counsel contends that the petitioner was not apprehended on the spot. Rather prosecution version is that the recovery has been effected from the person of three co-accused. Counsel submits that the petitioner has clean antecedents inasmuch as he is not involved in any previous NDPS case. The alleged recovery falls in non-commercial category. That apart, petitioner is ready and willing to join investigation and is in possession of a pen drive containing a certain recording which would falsify the prosecution story as one of the co-accused is shown to have been picked up from a hair salon.

Notice of motion.

Mr. Gaurav Garg Dhuriwala, learned Sr. DAG, Punjab, who has also joined in this video conferencing facility, accepts notice. A complete copy of the petition has already been furnished to him.

List on 22.07.2020.

In the meanwhile, petitioner is directed to join investigation.

In the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting Officer/Investigating Officer. The petitioner shall join investigation as and when called upon to do so and he shall remain bound by the conditions as envisaged under Section 438(2) Cr.P.C.”

Learned State counsel upon instructions from ASI Sukhwinder Singh informs the Court that the petitioner has since joined the investigation.

That apart the observations contained in the notice of

motion order have not met met with any rebuttal.

In view of the above, instant petition is allowed.

Order dated 13.05.2020 passed by this Court is made absolute.

Petition disposed of.

22.07.2020

dss

(TEJINDER SINGH DHINDSA)

JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No