

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

**CRM-M No.16819 of 2020 (O&M)
Date of Decision: 28.10.2020**

Harjinder Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Gopal Singh Nahel, Advocate for the petitioner.

Mr. H.S.Multani, AAG, Punjab for the respondent.

MAHABIR SINGH SINDHU, J. (Oral)

Present petition has been filed under Section 438 Cr.P.C. for grant of pre-arrest bail to the petitioner in FIR No.59 dated 20.04.2020, under Sections 15, 25, 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Longowal, District Sangrur.

The co-ordinate Bench, while issuing notice of motion on 29.06.2020, passed the following order:-

“ *Case is being taken up for hearing through video conferencing.*

This is a petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No. 59 dated 20.4.2020 under Sections 15, 25, 29, 61 of Narcotics Drugs and Psychotropic Substances Act, 1985 registered at Police Station Longowal, District Sangrur.

Learned counsel for the petitioner submits that the petitioner has been involved in the present case on the basis of disclosure statement suffered by co-accused Gurpreet Singh. He further submits that recovery has already been effected and nothing is to be recovered from the petitioner.

Notice of motion.

On the asking of the Court, Mr. Ajay Pal Singh Gill, DAG, Punjab accepts notice on behalf of the State. He has not disputed the assertions made by the learned counsel for the petitioner and submits that there is no other case pending or decided against the petitioner.

Keeping in view the above, interim bail is granted to the petitioner. He is directed to join the investigation and if he is sought to be arrested, he shall be released on interim bail to the satisfaction of the Investigating Officer/Arresting Officer subject to the conditions as envisaged in Section 438 (2) of the Code of Criminal Procedure.

Adjourned to 8.9.2020. ”

Contentends that in terms of the above order, petitioner has joined the investigation.

Learned State Counsel, on instructions from A.S.I. Harchetan Singh, has acknowledged that in terms of order dated 29.06.2020, petitioner has joined the investigation and his custodial interrogation is not required. Also stated that during investigation, no incriminating material was recovered from the petitioner for his complicity in this case.

In view of above, interim order dated 29.06.2020 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.

It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.

The above observations may not be construed as an expression of opinion on merits of the case; rather confined only to decide the present bail matter.

Disposed off accordingly.

October 28th, 2020
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>