IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-17822-2020 (O&M)
Date of decision: 29.07.2020

Mohammad Kasim Rana

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. S.K. Singla, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

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ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of anticipatory bail in FIR No.90 dated 03.06.2020 under Sections 22, 25, 29, 61, 85 of NDPS Act, registered at Police Station City I, Malerkotla, District Sangrur.

While granting interim bail to the petitioner, following order was passed by this Court on 08.07.2020: -

> *"...Learned counsel for the petitioner submits that as per allegations in the FIR, the police received a secret information that Mohd. Farooq and Gaura are indulged in the business of selling intoxicant bottles/tablets and Mohd. Farooq used to purchase the same from Gaura. It is further submitted that the police, when arrested Mohd. Farooq, 60 bottles of WINCIREX were recovered and thereafter, recorded disclosure statement of Mohd. Farooq, in which he stated that he has kept concealed 232*

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bottles and 650 tablets in a cooler in the shop of his friend i.e. petitioner Mohd. Kasim Rana. In the disclosure statement, it is specifically stated that only Mohd. Farooq had the knowledge about it and he can get the same recovered. The police, thereafter, in the absence of petitioner, raided his shop and recovered aforesaid contraband. It is also submitted that in view of disclosure statement of Mohd. Farooq, it will be a debatable issue to be decided during the trial whether the petitioner was in conscious possession of recovery effected from the cooler of his shop. Learned counsel further submits that in fact, as per the rent deed, father of the petitioner is owner of the shop and the petitioner is not involved in any other case..."

Learned counsel for the petitioner submits that in pursuance of the aforesaid order, the petitioner has joined the investigation and is not required for any further investigation.

Learned State counsel, on instructions from HC Jarnail Singh, has not disputed the factual position and states that the petitioner is no more required for any further investigation.

In view of the above, this petition is allowed and the interim bail granted to the petitioner vide order dated 08.07.2020 is made absolute subject to the conditions envisaged under Section 438 (2) Cr.P.C.

[ARVIND SINGH SANGWAN]
JUDGE

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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No

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