

101 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-28310-2020
Date of Decision: 25.11.2020

SUKHDEV RAM

....Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: Hon'ble Mr.Justice Deepak Sibal

Present: Mr.Neeraj Yadav, Advocate for
Mr.Mikhail Kad, Advocate for the petitioner
Mr.Amit Mehta, Sr.DAG Punjab

Deepak Sibal, J. (Oral)

Case taken up through Video Conferencing.

The present petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail in FIR No.55 dated 29.05.2020 registered under Sections 22, 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short – NDPS Act) at Police Station Khanauri, District Sangrur.

Learned counsel for the petitioner inter-alia contends that the petitioner has been falsely implicated in the case; there is no recovery from the person of the petitioner; even from the co-accused the recovery is of non-commercial quantity of narcotics – 100 tablets of Clovidol-100 SR; there is no criminal case in which the petitioner is involved; under interim orders passed by this Court on 17.09.2020 the petitioner has not only joined the investigation but also cooperated with the investigating agency; during the time the petitioner was on interim bail he has not misused such concession; report under Section 173 Cr.P.C. has been filed and therefore the petitioner is in no position to influence the investigation and that the

trial which is yet to begin is likely to take a long time to conclude.

Learned State counsel on instructions of ASI Malkit Singh submits that the petitioner has joined and cooperated with the investigating agency and that his custodial interrogation is not required by the State.

Recovery from the petitioner's co-accused is of 100 tablets of Clovidol-100 SR which is non-commercial quantity; there is no criminal case in which the petitioner is involved; under interim orders passed by this Court the petitioner has not only joined the investigation but also cooperated with the investigating agency; during the time the petitioner was on interim bail he has not misused such concession,; report under Section 173 Cr.P.C. has been filed, therefore, the petitioner is in no position to influence the investigation and the trial which is yet to begin is likely to take a long time to conclude.

After considering the totality of above facts, especially the statement made by learned counsel for the State that the custodial interrogation of the petitioner is not required, the interim bail granted to the petitioner on 17.09.2020 is made absolute.

The petition is allowed in the above terms.

Nothing observed herein-above shall be considered to be an expression of opinion by this Court on the merits of the case.

25.11.2020
gk

(Deepak Sibal)
Judge

Whether speaking/ reasoned: Yes/No
Whether Reportable: Yes/No