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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.35824 of 2020

Date of Decision: 18.12.2020

JAGTAR SINGH

.....Petitioner

Vs

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Vipin Mahajan, Advocate
for the petitioner.

Mr. Sarabjit Singh, Asstt. A.G., Punjab.

RAJ MOHAN SINGH, J.(Oral)

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

The petitioner seeks grant of anticipatory bail in case bearing FIR No.106 dated 26.09.2020 (wrongly mentioned as 05.10.2019) registered under Sections 15(c) & 25 of the NDPS Act at P.S. Kahnuwan, District Gurdaspur, Punjab.

Learned counsel for the petitioner submitted that the petitioner is not privy to any mischief/misconduct committed by his driver Acchar Singh. 90 kgs. of poppy husk was allegedly recovered from the truck owned by the petitioner.

Vide order dated 04.11.2020, arrest of the petitioner was stayed while issuing notice of motion for today.

Though there is no order directing the petitioner to join the investigation, but learned State counsel on instructions from ASI Sarabjit Singh submitted that petitioner has joined the investigation. There is one more case bearing FIR No.15 dated 01.03.2020 U/s 15-61-85 of the NDPS Act. P.S. Bhaini Mian Khan against the petitioner.

As against this, learned counsel for the petitioner again submitted that the aforesaid case relates to 6 kgs. of poppy husk and the same was recovered from the driver as in the present case. Petitioner has been granted interim anticipatory bail in the said case bearing CRM-M No.11819 of 2020 which is fixed for 08.02.2021.

In view of aforesaid, the present petition is allowed. Petitioner is directed to appear before the SHO/Investigating Officer to join investigation on 23.12.2020 and in the event of his arrest, he shall be released on anticipatory bail on his furnishing bail bonds to the satisfaction of SHO/Investigating Agency subject to the following conditions as envisaged under Section 438(2) Cr.P.C:-

- i) that the petitioner shall make himself available for interrogation before the Investigating Officer as and when required;
- ii) that the petitioner shall not, directly or

indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

- iii) that the petitioner shall not leave the country, without prior permission of the Court and shall surrender his passport, if any.

December 18, 2020	(RAJ MOHAN SINGH)
Atik	JUDGE
Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No