

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

CRM-M-41868 of 2020

Date of Decision: 14.12.2020

Ali @ Ali Kumar

Petitioner

Versus

State of Punjab

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. G. S. Bajwa, Advocate for the petitioner.
Ms. Samina Dhir, DAG, Punjab.

AVNEESH JHINGAN, J (Oral):

The matter is taken up for hearing through video conference due to COVID-19 situation.

This petition is filed seeking direction that investigation in FIR No. 429 dated 21.9.2020, under Section 21 of the NDPS Act, 1985 and 42 of the Prisons Act, 1894, registered at Police Station, Islamabad Amritsar City be conducted in a fair manner.

Learned counsel for the petitioner submits that the petitioner has been nominated in the said FIR. He further submits that he has not been arrested, yet he is in jail, hence the petitioner is being deprived of his right to avail the remedy of anticipatory bail or regular bail.

Learned counsel for the State appearing on advance notice on instructions from Sub Inspector-Jatinder Singh submits that the petitioner was not arrested in the present case and is in jail with regard to another FIR bearing No. 193 dated 6.12.2020 registered at Police Station, Cantonment Amritsar.

Learned counsel for the petitioner is not in a position to dispute the said statement.

In view of the above, no interference is called for in the

present petition. The petitioner is detained in another case and in the present case, he is always at liberty to avail remedies available to him with regard to pre-arrest bail or regular bail as and when the occasion so arises.

The petition is disposed of.

[AVNEESH JHINGAN]
JUDGE

14th December, 2020

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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |