

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

**CRM-M No. 41437 of 2019
Decided on: 13.01.2020**

Balwinder Singh @ Kukku

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Ankur Jain, Advocate
for the petitioner.

Mr. A.P.S. Gill, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of anticipatory bail in FIR No. 30 dated 28.08.2019, registered under Sections 27(A) of the NDPS Act at Police Station Khem Karan, District Tarn Taran.

The operative part of the order dated 01.10.2019, vide which interim anticipatory bail has been granted to the petitioner, is reproduced as under:-

“... Learned counsel for the petitioner submits that in FIR No. 57, during the pendency of the anticipatory bail application of the petitioner before the Sessions Judge, it was informed by the prosecution that the petitioner is not an accused.

Learned counsel for the petitioner further submits that with regard to FIR No. 16, the petitioner has already filed a petition bearing CRM-M-3144-2018 in which vide order dated 12.09.2019, a direction has been issued to the Director General of Police, Special Task Force to examine the entire case diaries of all the cases against the

petitioner and in pursuance to this direction, the petitioner was given a notice to appear on 18.09.2019 and now he has been called upon for today itself.

Learned counsel for the petitioner further submits that in the present FIR, the only allegation, based on the secret information, is that petitioner is helping the other accused in providing shelter.

It is further submitted that in pursuance to the present FIR, no recovery was subsequently made from any person....”

Counsel for the petitioner has submitted that, in pursuance to the order dated 01.10.2019, the petitioner has appeared before the Investigating Officer and has joined the investigation.

Counsel for the State, on instructions from ASI Baljinder Singh, has not disputed the aforesaid fact and submits that the petitioner is no more required for further investigation.

In view of the above, this petition is allowed and the interim bail granted to the petitioner vide order dated 01.10.2019 is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

(ARVIND SINGH SANGWAN)
JUDGE

13.01.2020

yakub

Whether speaking/reasoned Yes/No

Whether reportable: Yes/No