

208 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-44445-2019
Date of Decision: 28.01.2020

Kala Singh @ Kali

... Petitioner

v/s

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Ms. Seema, Advocate for
Mr. C.M. Munjal, Advocate for the petitioner.

Mr. Rajesh Bhardwaj, Sr. DAG Punjab assisted by
ASI Gurmail Singh.

* * *

VIVEK PURI, J. (ORAL)

This petition has been filed by the petitioner under Section 438 Code of Criminal Procedure for grant of anticipatory bail. FIR bearing No.65 dated 26.09.2019, under Sections 21, 23 and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 was registered at Police Station Amir Khas, District Fazilka on the receipt of secret information against the petitioner and three others to the effect that they are indulging in smuggling of heroin to Pakistan border. Consequently, a naka was raised and Shinder Singh, Roor Singh and Ramesh Singh were apprehended from the spot and 10 gms of heroin was recovered from them. The petitioner had managed to slip away from the spot.

On 18.10.2019 following order was passed:

“Learned counsel for the petitioner submits that petitioner is facing trial in one case and the police intends to arrest him in the present FIR on the basis of secret

information. He is ready to surrender before the police and answer all the police queries.

Notice of motion for 28.01.2020.

Petitioner is directed to surrender before the police and join investigation within two weeks. In the event of his arrest being required, he shall be released on interim bail till the next date, subject to his furnishing bonds to the satisfaction of Arresting Officer. However, he shall abide by the terms and conditions as envisaged under Section 438(2)(i) to (iv) Cr.P.C. failing which he shall lose the benefit of interim bail allowed to him.”

Learned counsel for the petitioner has stated that petitioner has joined the investigation in pursuance of the interim direction given by the Court. The three co-accused who were apprehended on the spot have been released on regular bail and the quantity of contraband is marginally above the small quantity.

Learned State counsel, on instructions from ASI Gurmail Singh, has not disputed the factual position of the case. In these set of circumstances, sufficient exceptional circumstances are made out to extend the concession of pre-arrest bail to the petitioner. The order dated 18.10.2019 is made absolute.

The petition stands allowed.

(VIVEK PURI)
JUDGE

28.01.2020
Janki

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No