

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

**CRM-M-44613-2019
Date of decision: 14.02.2020**

Jagga Khan

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Harsh Chopra, Advocate
for the petitioner.

Mr. M. S. Nagra, AAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of anticipatory bail in FIR No.160 dated 04.08.2019 under Section 15 of NDPS Act and Section 29 of NDPS Act (added later on), registered at Police Station Gobindgarh Mandi, District Fatehgarh Sahib.

The operative part of the order dated 09.12.2019, vide which the petitioner has been granted interim bail, is reproduced below:

“Learned counsel for the petitioner submits that as per allegations in the FIR, the police apprehended one Varinder Singh on 04.08.2019 and during search of his car, recovery of two bags containing 25 kgs and 27 kgs of poppy husk was effected. It is further submitted that thereafter, on 06.08.2019, separate FIR No.104 under Sections 15/18/22/25 of NDPS Act was registered against brother of the petitioner namely Mukand Khan. Learned counsel further submits that no disclosure statement of Mukand Khan was recorded with regard to involvement of the petitioner and on the same day, disclosure statement of co-accused Varinder Singh was recorded, in which he

stated that he has taken the contraband from the petitioner.

Learned counsel for the petitioner has further argued that in fact, on 06.08.2019, wife and daughter of Mukand Khan were taken away by CIA Staff and later on, they were released, when Mukand Khan was arrested and immediately thereafter, representations were given to the higher police officials and on that account, the petitioner is involved in this FIR by recording disclosure statement of co-accused Varinder Singh. It is further argued that on 05.08.2019, no disclosure statement of Varinder Singh was recorded and it is only after registration of FIR No.104.

List again on 14.02.2020.”

Learned counsel for the petitioner submits that the petitioner, in pursuance to the order dated 09.12.2019, has already appeared before the SHO/Investigating Officer and has joined the investigation.

Learned counsel for the State, on instructions from ASI Avtar Singh, has not disputed the factual position and submits that the petitioner has joined the investigation and is no more required for any further investigation.

In view of the above, the petition is allowed and the interim bail granted to the petitioner, vide order dated 09.12.2019, is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

14.02.2020

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No