

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

211

**CRM-M-45133-2019
Date of decision: 15.01.2020**

Jagtar Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Navraj Singh, Advocate for the petitioner.

Mr. Arun Kaundal, DAG, Punjab.

ARUN KUMAR TYAGI, J (ORAL)

Prayer in this petition (first) under Section 438 of the Code of Criminal Procedure, 1973 (for short, "Cr.P.C") is for grant of anticipatory bail to the petitioner in case FIR No.142 dated 27.08.2019 registered under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, "the NDPS Act") at Police Station Fatehgarh Sahib, District Fatehgarh Sahib.

While issuing notice of motion on 23.10.2019, a Coordinate Bench of this Court had granted the interim anticipatory bail to the petitioner with direction to join the investigation.

Learned State counsel has appeared on behalf of the respondent-State and opposed the bail application.

I have heard learned counsel for the petitioner as well as learned State counsel and have gone through the record.

Learned counsel for the petitioner has submitted that the petitioner was not named in the FIR and no recovery was made from him. The petitioner was falsely implicated in the present case on the

basis of disclosure statement of co-accused. Section 37(1)(b) of the NDPS Act is not applicable to the case. The petitioner has joined the investigation. His custodial interrogation is not required for effecting any recovery.

Learned State counsel has submitted that the petitioner does not deserve anticipatory bail. However, learned State counsel has on instructions from the investigating officer, acknowledged that in compliance with order dated 23.10.2019 passed by the Coordinate Bench of this Court, the petitioner has joined the investigation and submitted that his custodial interrogation is not required for effecting any recovery.

In view of the facts and circumstances of the case, particularly the fact that custodial interrogation of the petitioner is not required in the case but without expressing any opinion on the merits of the case, I am of the considered view that the petitioner deserves the concession of anticipatory bail.

Therefore, the petition is allowed and order dated 23.10.2019 granting interim bail to the petitioner is made absolute. However, the petitioner shall join the investigation again if and as and when called upon to do so and shall abide by the conditions enumerated in Section 438 (2) of the Cr.P.C., failing which the protection of anticipatory bail order shall not be available to him.

15.01.2020

Vinay

(ARUN KUMAR TYAGI)
JUDGE

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