

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

208

CRM-M-49230-2019

Date of decision: 24.01.2020

Kasm @ Kasim @ Kasi

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. M.S. Yadav, Advocate for
Mr. Sunny K. Singla, Advocate
for the petitioner.

Mr. Sandeep Singh Deol, D.A.G., Punjab
for the respondent assisted by
Head Constable Harbaksh Singh.

ARUN KUMAR TYAGI, J (ORAL)

The petitioner has filed this petition under Section 438 of the Code of Criminal Procedure, 1973 (for short, "Cr.P.C") for grant of anticipatory bail in case FIR No.111 dated 23.09.2019 registered under Sections 15, 29 and 61 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, "NDPS Act") at Police Station Sadar Ahmedgarh, District Sangrur.

While issuing notice of motion on 20.11.2019, 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 though the petitioner was named in the FIR due to being registered

owner of the vehicle, he was not travelling on the same and no recovery was made from him. The petitioner had no knowledge regarding the goods transported by his driver and conductor in the said Tempo. The petitioner is not involved in any other case under the NDPS Act. Section 37(1)(b) of the NDPS Act is not applicable qua the petitioner. The petitioner has joined the investigation. Nothing is to be recovered from him and his custodial interrogation is not required.

Learned State counsel, on instructions from Head Constable Harbaksh Singh, has acknowledged that in compliance with order dated 20.11.2019 passed by this Court, the petitioner has joined the investigation and submitted that his custodial interrogation is not required for effecting any further 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 20.11.2019 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.

24.01.2020

Vinay

(ARUN KUMAR TYAGI)
JUDGE

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