

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

206

**CRM-M-49653-2019
Date of decision: 04.02.2020**

Kuldeep Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Tejinder Pal Singh, Advocate
for the petitioner.

Mr. Sandeep Singh Deol, D.A.G. Punjab
for respondent-State.

ARUN KUMAR TYAGI, J (ORAL)

Prayer in this petition filed under Section 438 of the Code of Criminal Procedure, 1973 (for short, 'the Cr.P.C') is for grant of anticipatory bail to the petitioner in case FIR No. 260 dated 07.10.2019 registered under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the NDPS Act') at Police Station Sadar Dhuri, District Sangrur.

As per prosecution version, on 07.10.2019 the police party headed by Darshan Singh on suspicion stopped one motorcycle rider, who suddenly turned back towards the paddy fields and fled away from the spot after leaving the motorcycle in paddy fields. On search one polythene bag containing 400 tablets Clovidol SR 100 was recovered from the handle of the motorcycle. During investigation, the person who fled leaving the motorcycle in the fields was identified by ASI Darshan Singh as the present petitioner.

Vide order dated 03.12.2019 passed by this Court, the petitioner was granted interim anticipatory bail 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 has been falsely implicated in the alleged FIR. The petitioner was not apprehended on the spot. The case involves recovery of non-commercial quantity. 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 and his custodial interrogation is not required for effecting any further recovery.

Learned State Counsel has acknowledged that in compliance with order dated 03.12.2019 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, the nature of accusation and material against the petitioner, non-applicability of Section 37(1)(b) of the NDPS Act and also 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 03.12.2019 granting interim bail to the petitioner is made absolute.

However, the petitioner shall join the investigation again 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.

04.02.2020

Rajeev (rvs)

(ARUN KUMAR TYAGI)
JUDGE

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