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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-50045-2019
Date of decision : 14.01.2020

MOHD.ASHRAF

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Jashanjot Singh Uppal, Advocate
for the petitioner
Mr. Rajesh Bhardwaj, Sr. DAG, Punjab

VIVEK PURI, J. (ORAL)

Present petition under Section 438 Cr.P.C. for seeking anticipatory bail to the petitioner in case FIR No. 133 of 31.10.2019 under Section(s) 21/29 of Narcotics Drugs and Psychotropic Act, 1985, registered at Police Station City-II, Malerkotla, District Sangrur.

On 26.11.2019, following order was passed.

“Contends that recovery of alleged contraband i.e. 2.5 grams of Heroine was recovered from co-accused Mohammad Sadam and Mohammad Asfaq. Also contends that there is no other criminal case pending against the present petitioner.

Notice of motion for 14.01.2020.

In the meanwhile, the petitioner is directed to join the investigation before the Investigating Officer. In the event of his arrest, the Arresting Officer would admit him to interim bail till the next date of hearing on his furnishing adequate bail and surety bonds to his satisfaction. The petitioner is also directed to abide by all the conditions as envisaged under Section 438(2) Cr.P.C.”.

It has been stated by the learned counsel for the petitioner that he has joined investigation in pursuance of the interim directions issued by this Court on 26.11.2019.

Learned State counsel on instructions from ASI Rajmiller Singh has stated that he has not disputed the aforestated position.

In any case, since the petitioner is stated to have joined investigation, this Court finds that it is not a case, which would warrant custodial interrogation. The petition is allowed and the interim directions issued by this Court vide order dated 26.11.2019 are hereby made absolute subject to the condition that the petitioner shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

14.01.2020
Pardeep

(VIVEK PURI)
JUDGE

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