

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

205

**CRM-M-52790-2019
Date of decision : 14.02.2020**

Jagsir Singh @ Jagseer Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. H.S. Dhaliwal, Advocate for
Mr. P.K.S. Phoolka, Advocate
for the petitioner.

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

ARUN KUMAR TYAGI, J (ORAL)

The petitioner has filed the present petition under Section 438 of the Code of Criminal Procedure, 1973 (for short, 'the Cr.P.C') for grant of anticipatory bail in case FIR No.214 dated 27.11.2019 registered under Section 15 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Sadar Bathinda, District Bathinda.

As per prosecution version, on 26.11.2019 police party headed by ASI Amrinder Singh spotted one Lancer car parked on the road side and two persons searching something in the plastic bag kept in the boot(dicky) of the car. On seeing the police party, one of them later identified to be petitioner Jagsir Singh escaped while his co-accused Rajinder Kumar was caught on the spot and on search as per prescribed procedure 30 kgs of poppy husk was recovered from the car.

Vide order dated 19.12.2019 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 and learned State Counsel and have gone through the record.

Learned Counsel for the petitioner has submitted that the petitioner has been falsely implicated on the basis of Registration Certificate due to being registered owner of the vehicle. Rigors of Section 37(1)(b) of the NDPS are not applicable due to quantity recovered being non-commercial. The petitioner is not involved in any other case under the NDPS Act. 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 of HC Jaspal Singh, has acknowledged that in compliance with order dated 19.12.2019 passed by 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, non-applicability of Section 37(1)(b) of the NDPS Act qua the petitioner and 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 19.12.2019 granting interim bail to the petitioner is made absolute. However, the petitioner shall join the investigation 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.

14.02.2020

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(ARUN KUMAR TYAGI)
JUDGE

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