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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-54464-2019

Date of decision-13.02.2020

Davinder Kumar

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Vishal Thakur, Advocate for the petitioner.

Mr. Prabhjot Singh Walia, AAG, Punjab.

MANOJ BAJAJ, J.

This petition has been filed by the petitioner under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.11 dated 24.02.2019 under Section 15 of Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Balachaur, District Shaheed Bhagat Singh Nagar. The petitioner apprehended his arrest at the hands of Police, in the above FIR.

Learned counsel for the petitioner has invited the attention of the Court to the order dated 19.12.2019 whereby while issuing notice of motion to the respondent-State, the interim protection was extended to the petitioner. The said order reads as under:-

“Learned counsel for the petitioner submits that the petitioner was not figuring in the FIR, however, he was nominated subsequently, on the basis of disclosure statement made by the co-accused. He relies upon order

dated 28.11.2019 (Annexure P2) whereby the other co-accused was granted the concession of anticipatory bail in the same FIR on the ground that he was nominated on the basis of disclosure statement of co-accused.

Notice of motion for 13.2.2020.

Meanwhile, it is ordered that the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C. In the event of arrest of the petitioner, he shall be released on interim bail subject to his furnishing personal bond/surety bond to the satisfaction of Arresting/Investigating Officer.”

Learned counsel for the petitioner further contends that in deference to the said order, the petitioner submitted himself before the Police and joined the investigation. According to him, the petitioner cooperated with the Police Authorities during the investigation and furnished requisite bonds to the satisfaction of the Investigating Officer/Arresting Officer.

Learned State counsel who is assisted by ASI Jarnail Singh does not dispute this fact that the petitioner has joined the investigation and he is not required for custodial interrogation for the time being.

Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 19.12.2019 is made absolute.

(MANOJ BAJAJ)
JUDGE

13.02.2020

vanita	Whether speaking/reasoned :	Yes	No
	Whether Reportable :	Yes	No