

206 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-54714-2019
Date of Decision: 05.03.2020

Jagtar Singh @ Mussa

... Petitioner

v/s

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Neeraj Jain, Advocate for the petitioner.

Ms. Sakshi Bakshi, AAG Punjab assisted by
ASI Sarabjeet Singh.

* * *

VIVEK PURI, J. (ORAL)

This petition has been filed by the petitioner under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.164 dated 17.10.2019, under Section 15 of Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Gidderbaha, District Sri Muktsar Sahib.

On 20.12.2019 following order was passed:

“Inter alia submits that the petitioner has been falsely implicated. Iron rods have been inserted in both his legs on account of which he is unable to run and thus, the story put-forth in the FIR is doubtful. There is no other criminal case pending/decided against the petitioner.

Notice of motion for 20.2.2020.

In the meantime, the petitioner is directed to join investigation with the Investigating Officer on 28.12.2019 at 10.00 a.m. and cooperate therewith. In the event of his arrest, he shall be released on interim bail to the

satisfaction of the Investigating Officer/SHO concerned subject to his compliance of the conditions enshrined under Section 438(2) Cr.P.C.”

It has been stated by learned counsel for the petitioner that the petitioner has joined the investigation in pursuance of the interim directions issued by this Court and nothing has to be recovered from him. He is no more required for the purpose of investigation. He has further stated that the case pertains to the recovery of 5 Kgs of poppy husk which falls in the category of less than commercial quantity.

Learned State counsel, on instructions from ASI Sarabjeet Singh, has not disputed the factual position of the case and conceded that custodial interrogation of the petitioner is no more required.

In these set of circumstances, sufficient exceptional circumstances are made out to extend the concession of pre-arrest bail to the petitioner. The order dated 20.12.2019 is made absolute.

The petition stands allowed.

(VIVEK PURI)
JUDGE

05.03.2020
Janki

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