

Varinder Kumar @ BuntyPetitioner
Vs.

State of PunjabRespondent

CORAM : HON'BLE MR.JUSTICE AMOL RATTAN SINGH

Present: Mr. H.S.Dhindsa, Advocate,
for the petitioner.

Mr. Rana Harjasdeep Singh, DAG, Punjab.

AMOL RATTAN SINGH, J. (Oral)

Case heard via video conference.

On January 16, 2020, the following order had been passed by
this court (co-ordinate bench):-

“Through this petition under Section 438 Cr.P.C. prayer has been made for grant of anticipatory bail to the petitioner – Varinder Kumar @ Bunty in case FIR No.70 dated 22.08.2019 registered under Sections 22/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short 'the Act') at Police Station City Raikot, District Ludhiana.

According to the prosecution, co-accused of the petitioner, namely, Pawan Kumar was apprehended with conscious possession of 19,000/- intoxicant tablets prohibited under the Act on 22.08.2019. Petitioner was named in his disclosure statement by co-accused Gulshan Kumar as his accomplice indulged in the illicit trade of drug trafficking.

Learned counsel for the petitioner inter alia contends that petitioner has been implicated on the basis of confessional statement of co-accused Gulshan Kumar @ Monu, which is a very weak type of evidence. Co-accused of the petitioner namely, Pawan Kumar, who was apprehended at the spot has been granted anticipatory bail by a Co-ordinate Bench of this Court vide order dated 31.10.2019. Petitioner is ready to join investigation.

Notice of motion for 1.5.2020.

Meanwhile, considering the case of the petitioner petitioner on the same parity as that of his co-accused Pawan Kumar, he shall join the investigation and would come present as and when called for and in the event of arrest, petitioner - Varinder Kumar @ Bunty shall be admitted to interim bail on her furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer.

The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C.”

The turn of the case never having come up after that on account of the ongoing pandemic, today learned State counsel submits, on instructions from ASI Gurmeet Singh, that the petitioner having joined investigation pursuant to the said order his custodial interrogation is not required.

It is to be noticed that a similar statement had also been made in the context of a co-accused, i.e. Pawan Kumar, on 31.10.2021 in CRM-M-38892-2019.

That being so, without making any comment on the actual merits of the case, this petition has actually been rendered infructuous and is disposed of as such.

However, if the petitioners' custodial interrogation is required at any stage hereinafter, in the context of the FIR in question, he would be given 10 days notice before arrest, duly shown to be served upon him.

November 01, 2021

dharamvir

**(AMOL RATTAN SINGH)
JUDGE**

Whether speaking/reasoned : YES
Whether Reportable : NO