

205(1)

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-7399-2021
Date of decision-13.09.2021

JASVINDER SINGH

...Petitioner

Vs.

STATE OF PUNJAB

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Gautam Kumar, Advocate
for the petitioner.

Mr. Ramdeep Partap Singh, DAG, Punjab.

MANOJ BAJAJ, 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.257 dated 27.12.2020, under Sections 15/29 NDPS Act, 1985, registered at Police Station Sadar Patiala, District Patiala. 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 17.02.2021, whereby, while issuing notice of motion to respondent-State, the interim protection was extended to the petitioner. The said order reads as under:-

“The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

Learned counsel for the petitioner submits that the petitioner approached the learned Judge Special

Court, Patiala, so as to seek anticipatory bail, however, there is typographical error in the order dated 12.01.2021 passed by learned Judge Special Court, Patiala, whereby anticipatory bail was declined to the petitioner though in paragraph No.1 of the order, it has been mentioned as regular bail. She has argued that recovery of 40 kgs of poppy husk was effected from accused Dharminder Singh @ Dhira, who was apprehended from the place of recovery. No recovery has been effected from the petitioner. There is no other case against the petitioner under the NDPS Act.

Notice of motion for 25.05.2021.

Meanwhile, in the event of arrest of the petitioner, he shall be released on ad interim bail to the satisfaction of the arresting officer. However, the petitioner shall join the investigation as and when directed by the investigating agency and shall abide by the terms and conditions laid down under Section 438(2) Cr.PC.”

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 SI Vinod Kumar 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 the above, the petition is allowed and the interim bail granted by this Court vide order dated 17.02.2021 is made absolute.

(MANOJ BAJAJ)
JUDGE

13.09.2021

Vipin kumar

Whether speaking/reasoned :
Whether Reportable :

Yes	No
Yes	No