

CRM-M No.8027 of 2021

Date of Decision : 17.08.2021

Mohit Kumar

...Petitioner

Versus

State of Punjab

....Respondent

Coram : Hon'ble Mr. Justice B.S. Walia

Present : Mr. J.S. Mundi, Advocate for the petitioner.

Mr. Sukhbeer Singh, AAG, Punjab.

B.S. Walia, J. (VC)

1. Case is being taken up for hearing through Video Conferencing due to Covid-19 pandemic.

2. Prayer in the petition under Section 438 Cr.P.C. is for grant of pre-arrest bail to the petitioner in case FIR No.147 dated 22.08.2019 registered under Section 22 of the NDPS Act, 1985 (Sections 29, 61 and 85 added lateron) at Police Station Barnala, District Barnala.

3. On 19.02.2021, the following order was passed:-

“ This is the petition under Section 438 Cr. PC for grant of anticipatory bail in FIR No.147 dated 22.08.2019 for the offences under Section 22 of NDPS Act (Sections 29, 61, 85 of NDPS Act added later on) registered at Police Station Barnala District Barnala.

Learned counsel for the petitioner inter alia contends that the petitioner was neither named in the secret information received by the police party pursuant to which the alleged

contraband (200 strips of Clovidol SR-100 and Alprasafe-0.5) was recovered from co-accused Angrej Singh @ Geja nor was any recovery effected from him subsequent to the disclosure statement allegedly made by the accused Angrej Singh @ Geja. Learned counsel further submits that the evidentiary value of alleged disclosure statement is of weak nature and the similarly situated co-accused, who too was nominated on the basis of an alleged disclosure statement has since been extended the concession of bail vide order dated 10.09.2019 (Annexure P-2). It has also been contended that the petitioner is not involved in any other criminal case much less under the NDPS case and hence, he be extended the concession of anticipatory bail.

Notice of motion for 01.04.2021.

Meanwhile, the petitioner is directed to join the investigation and appear before the investigating agency as and when called upon to do so. In the event of his arrest, he shall be admitted to interim bail on his furnishing bail bonds to the satisfaction of the Arresting/Investigating Officer. The petitioner shall abide by the terms and conditions as envisaged under Section 438(2) Cr.PC. ”

4. Today, learned counsel for the petitioner contends while learned State counsel on instructions from *ASI Gurpal Singh*, confirms that pursuant to the order of this Court dated 19.02.2021, the petitioner joined investigation, fully cooperated with the police, was released on ad interim pre arrest bail and that his custodial interrogation is not required.

5. In view of the statement of learned State counsel, order dated 19.02.2021, passed by this Court, is made absolute. The petitioner shall abide by the terms and conditions enumerated in Section 438(2)

Cr.P.C.

6. Petition stands *disposed of* in the aforementioned terms.

(B.S. Walia)
Judge

17.08.2021
'Rajneesh'

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