

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

205

CRM-M-6174-2020

Date of Decision:14.09.2021

MUKHTIAR SINGH

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. S.S. Rangi, Advocate for the petitioner.

Mr. Prabhjot Singh Walia, AAG, Punjab.

SUVIR SEHGAL, J.(ORAL)

While granting interim protection to the petitioner, this Court
passed the following order on 25.02.2020:-

“The petitioner has filed this petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail in case FIR No.61 dated 15.04.2019 registered under Sections 15 and 16 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Sadar Nabha, District Patiala.

Learned Counsel for the petitioner has submitted that the petitioner has been falsely implicated in the case as the petitioner had no concern with the land on which the poppy plants had been illegally cultivated. The weight of the plants allegedly recovered was 3.5 kgs. which was less than the commercial quantity of 50 kgs. Section 37(1) (b) of the NDPS Act is not applicable in the case. The petitioner is ready to join investigation.

Learned State Counsel seeks time to file reply.

Adjourned to 07.05.2020.

In the meanwhile, the petitioner is directed to join the investigation as and when called upon to do so. In the event of his arrest, the petitioner shall be released on interim bail by the arresting officer/investigating officer on furnishing of bail bonds by him to the satisfaction of the arresting

officer/investigating officer. The petitioner shall comply with the conditions enumerated under Section 438(2) of the Cr.P.C. failing which he shall not be entitled to the protection of interim bail allowed to him.”

Though, no reply has been filed by the State, but the State counsel upon instructions from ASI Gurcharan Singh, states that the petitioner has joined the investigation, he is no longer required for custodial interrogation as the challan has been presented and there is no other criminal case pending against the petitioner.

In view of the said facts, without commenting on the merits of the case, the present petition is allowed and the order dated 25.02.2020 granting interim bail to the petitioner is made absolute, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

14.09.2021
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(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No