

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-11752-2021

DATE OF DECISION: 27.04.2021

VIJAY PAL

... Petitioner(s)

Versus

STATE OF PUNJAB

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Vijay Pal, Advocate for the petitioner.

Mr. Dhruv Dayal, Senior DAG, Punjab.

ANUPINDER SINGH GREWAL, J. (ORAL)

Heard through video conferencing.

The petitioner is seeking anticipatory bail in FIR No. 121 dated 06.08.2020, under Sections 15, 61, 85 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Bahawala, District Fazilka.

Learned counsel for the petitioner contends that the petitioner is not named in the FIR and no recovery has been effected from him. He also contends that the recovery of 20 kilogram poppy husk (non-commercial quantity) is alleged to have been effected from co-accused. The petitioner has been arraigned as an accused on the statement of co-accused. He also contends that besides the statement of the co-accused, there is no other *prima facie* material which would connect the petitioner with the commission of offence.

This Court, by the order dated 15.03.2021, had directed the petitioner to appear before the Investigating Officer and join the investigation and in the event of his arrest, he was to be released on ad-interim bail to the

satisfaction of the Investigating/Arresting Officer, subject to the conditions envisaged under Section 438(2) Cr.P.C.

Reply filed by the learned State counsel through email is taken on record. He also contends that the petitioner is also involved in several other cases under various sections of IPC and Excise Act. However, there is no other case under the NDPS Act against the petitioner. He, upon instructions from ASI Davinder Singh, states that although the petitioner has joined the investigation but he is not cooperating.

Heard.

In view of the above especially when the petitioner has been arraigned as an accused on the statement of the co-accused from whom recovery of 20 kg poppy husk (non-commercial) has been effected, the petitioner is not involved in any other case under the NDPS Act and the petitioner having joined investigation, the order dated 15.03.2021 granting interim bail to the petitioner is made absolute.

However, the petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C. He shall also join investigation as and when called upon to do so. The petitioner shall appear before the SHO, Police Station Bahawala, District Fazilka every alternate Monday till the conclusion of the investigation. He shall also furnish his mobile number and keep his mobile location switched on.

The petition stands disposed of.

(ANUPINDER SINGH GREWAL)
JUDGE

27.04.2021

SwarnjitS

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