

[205] IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.12140 of 2021
Date of decision: 23.08.2021

Sikander Singh Petitioner

Versus

State of Punjab Respondent

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

Present: None for the petitioner.
Mr. Rana Harjasdeep Singh, DAG, 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. 198 dated 29.11.2020 registered under Sections 21, 61, 85 of NDPS Act, 1985 at Police Station Passiana, District Patiala.
3. On 24.03.2021, the following order was passed:-

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

Learned counsel contends that the petitioner has been implicated in a false case by alleged recovery of 26 gm of smack from the house of the petitioner in his absence without associating any independent witness while claiming the petitioner to have run away from the house on seeing the police. Learned counsel further contends that the quantity of smack recovered is non-commercial,

besides, the petitioner is ready and willing to join investigation and cooperate with the police.

Notice of motion.

Mr. Hittan Nehra, Addl.AG, Punjab accepts notice on behalf of the respondent-State and confirms that quantity of smack recovered i.e. 26 gm is non-commercial quantity. Learned Addl.A.G. requests for time to file reply while contending that there are two cases registered against the petitioner; one under Excise Act and the other under NDSPS Act in respect of 2 kg of poppy husk.

Adjourned to 04.05.2021.

In the meantime, the petitioner is directed to join investigation and fully cooperate with the police. However, in the event of arrest, the petitioner be released on ad-interim pre-arrest bail subject to his furnishing bail bonds to the satisfaction of the Arresting / Investigating Officer. The petitioner shall abide by the conditions envisaged under Section 438(2) Cr.P.C., failing which, the interim protection granted to the petitioner, shall stand vacated.”

4. Today, none is present on behalf of the petitioner. However, learned State counsel on instructions from *SI Govinder Singh*, very fairly states that pursuant to the order of this Court dated 24.03.2021, 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 24.03.2021, passed by this Court, is made absolute. The petitioner

shall abide with the conditions enumerated in Section 438(2) Cr.P.C.
However, nothing stated hereinabove shall be read as an expression of
opinion on the merits of the case.

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

23.08.2021

(B.S. Walia)
Judge

'Amit'

1.

Whether speaking/reasoned:

Yes/No.
2.

Whether reportable:

Yes/No.