

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M No.14439 of 2021 (O&M)
Date of Decision: 15.11.2021

Kesar Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Ms. Jaskaran Kaur, Advocate,
for Mr. D.N. Ganeriwala, 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.1 dated 01.01.2021, under Sections 21/22 & 29 (added later on) of NDPS Act, 1985, registered at Police Station City Barnala, District Barnala. The petitioner apprehended his arrest at the hands of police.

Learned counsel for the petitioner has invited the attention of the Court to the order dated 08.04.2021, whereby while issuing notice of motion to the respondent-State, the interim protection was extended to the petitioner.

The said order reads as under:-

“CRM-11196-2021

This is an application filed under Section 482 Cr.P.C. for substitution of paragraph 14 of petition by way of placing on record amended petition.

Notice in application.

Mr. R.S. Thind, DAG Punjab accepts notice on behalf of respondent State.

For the reasons mentioned in application, same is allowed and amended petition is taken on record.

Application is disposed of.

CRM-M-14436-2021

This is a petition filed under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No. 1 dated 1.1.2021, registered under Sections 21, 22 of NDPS Act, 1985 (Section 29 of NDPS Act, 1985 added later on) at Police Station City Barnala, District Barnala.

As per allegations in FIR, 170 intoxicant tablets of white colour make Wallace and 18 intoxicant vials make Winicierex were recovered from one Jarnail Singh. It is alleged that Jarnail Singh in his disclosure statement stated that he had procured said intoxicant tablets from petitioner.

Learned counsel for petitioner states that allegations against petitioner are false.

Notice of motion.

Mr. R.S. Thind, DAG Punjab accepts notice on behalf of respondent State.

Adjourned to 1.7.2021.

In the meanwhile, in the event of arrest of petitioner, he shall be released on interim anticipatory bail to the satisfaction of Arresting Officer/Investigating Officer. He will join investigation as and when called for and cooperate in same. He will abide by conditions of Section 438 (2) Cr.P.C.”

Vide order dated 15.07.2021, number of petition in the middle of order dated 08.04.2021 on the first page, was ordered to be read as CRM-M-14439-2021 instead of CRM-M-14436-2021.

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 her, 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 ASI Jagsir Singh, does not dispute this fact that the petitioner has joined the investigation. Learned counsel, on instructions, further states that the petitioner 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 08.04.2021 is made absolute.

15.11.2021
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(MANOJ BAJAJ)
JUDGE

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