

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-14835-2021 (O&M)
Date of Decision:-23.8.2021

ASI Hardeep Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr.. P.S.Ahluwalia, Advocate for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab,
assisted by ASI Krishan Kumar.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner seeks grant of anticipatory bail in respect of a case registered vide FIR No. 41 dated 4.3.2021 under Sections 15/61/85 of NDPS Act, 1985 and under Section 61(1)(14) of the Punjab Excise Act, 1914 at Police Station Lehra, District Sangrur.
2. At the time of issuance of notice of motion on 5.4.2021, the following order was passed :-

“The case of the prosecution is that during the course of search of temporary residence of the petitioner in connection with a case registered under PC Act, 24 bottles of country made liquor; 24 bottles of Indian made foreign liquor and 900 grams of poppy-husk were recovered.

Learned counsel for the petitioner has submitted that there is nothing on record to show that the premises from where the recovery was effected was occupied by the petitioner. It has further been submitted that in fact the premises in question belonged to one Amrit Lal, who had rented out the same to one Balwan Singh as would be evident upon perusal of a copy of the bail application (Annexure P-2) filed by Balwan Singh, who is also sought to be arrested by the police.

Learned counsel has further submitted that in any case apart from the Excise Act, the other offence which is alleged to have been committed i.e. an offence under Section 15 of NDPS Act, is an offence pertaining to recovery of small quantity, which is punishable for a maximum period of 6 months only.

Notice of motion for 23.08.2021.

Meanwhile, in the event of arrest, the petitioner be released on interim bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and cooperate with the Arresting/Investigating Officer and shall abide by the conditions as provided under Section 438(2) Cr.P.C.”

3. Learned State counsel, upon instructions from ASI Krishan Kumar, has informed that pursuant to interim directions, the petitioner has since joined investigation and that his custodial interrogation is not required.
4. In view of the aforestated position, wherein the petitioner was never arrested at the spot and have joined investigation and is not stated to be required for any custodial interrogation, the petition is accepted and the interim directions issued by this Court vide order dated 5.4.2021 are made absolute subject to condition that petitioner shall join investigation as and when called upon to

do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438(2) Cr.P.C.

23.8.2021

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**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No