

204 (2)

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-15327-2021

Date of decision-29.06.2021

AMIR AHMED GANI

...Petitioner

Vs.

STATE OF PUNJAB

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Munish Puri, Advocate for the petitioner.

Mr. Ramandeep Singh Sandhu, Sr. 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.08 dated 23.06.2018 under Section 15 NDPS Act, 1985 registered at Police Station Nangal Bhoor, District Pathankot. The petitioner apprehended his arrest at the hands of Police, in the above FIR.

Learned counsel for the petitioner has invited the attention of the Court to the order dated 07.04.2021, whereby while issuing notice of motion to respondent-State, the interim protection was extended to the petitioner. The said order reads as under:-

“Learned counsel for the petitioner inter-alia contends that the petitioner has been falsely implicated in the case; there is no other evidence against the petitioner except the alleged secret information received by the police; co-accused Ashwani Kumar @ Dara who had earlier

approached this Court through CRM-M-35419-2018 has been granted anticipatory bail by order dated 01.11.2018 and co-accused Suresh Kumar @ Gara who has filed CRM-M-46914-2019 has been granted ad interim anticipatory bail by this Court through order dated 19.11.2019; the petitioner has no other criminal case pending against him; even if the case of the prosecution is taken as the gospel truth, though vehemently denied, the truck from which 75 kgs of poppy husk was recovered does not belong to the petitioner and that the petitioner is ready and willing to join investigation as and when called by the investigating agency.

Notice of motion.

Mr.Sandeep Kumar, Deputy Advocate General, Punjab, accepts notice on behalf of the respondent-State.

For arguments, adjourned to 29.06.2021.

To be heard along with CRM-M-46914-2019.

In the meanwhile subject to the petitioner's joining investigation as and when called by the investigating agency as also abiding by the other conditions provided under Section 438(2) Cr.P.C, in the event of his arrest in FIR No.08, dated 23.06.2018, registered under Sections 15 of the Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station Nangal Bhoor, District Pathankot, he shall be released on ad interim anticipatory bail to the satisfaction of the Arresting Officer.

Before the adjourned date the State shall file a concise status report.

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 him, 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 Samar Singh does not dispute this fact that the petitioner has joined the investigation and he is not required for custodial interrogation for the time being.

Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 07.04.2021 is made absolute.

(MANOJ BAJAJ)
JUDGE

29.06.2021

Vipin kumar

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No