

235

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-11819-2020

Date of decision : 01.09.2021

Jagtar Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Vipin Mahajan, Advocate for the petitioner.

Mr. Prabhjot Singh Walia, AAG, Punjab.

(Through Video Conferencing)

VIKAS BAHL, J. (ORAL)

Prayer in the present petition is for grant of anticipatory bail to the petitioner in FIR No.15 dated 01.03.2020 registered under Section 15 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Bhaini Mian Khan, District Gurdaspur, Punjab.

On 20.03.2020, when this matter came up before the Coordinate Bench of this Court, the following order was passed:-

“Ld. Counsel for the petitioner submits inter alia that the petitioner was not apprehended nor any recovery was actually effected from him. He submits further that

admittedly the petitioner is owner of the Truck but the FIR does not disclose on what basis, he is found to have been driving the Truck at the relevant time, and that in any event, the alleged recovery is of 06 Kgs of Poppy Husk, which is well below the commercial quantity.

Notice of motion for 05.08.2020.

Meanwhile, in the event of arrest of the petitioner by the Arresting Officer, he shall be released on interim bail subject to the following conditions:-

- 1. That he shall make himself available for interrogation by a Police Officer as and when required;*
- 2. That he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any Police Officer and;*
- 3. That he shall not leave India without prior permission of the Court. ”*

Learned counsel for the petitioner has submitted that the petitioner has joined the investigation and nothing is to be recovered from him. It is reiterated by the learned counsel for the petitioner that the petitioner was not apprehended at the spot and no recovery was effected from him and even the alleged recovery of 6 kg of poppy husk is well below the commercial quantity.

Learned counsel for the State, on instructions from SI Mohan Lal, has stated that the petitioner has joined the investigation and is not required for further custodial interrogation and in fact, the challan has also been filed and the charges have been framed.

Keeping in view the abovesaid facts and circumstances, moreso the facts that the petitioner has joined the investigation and even the challan has been filed in the present case and the petitioner was not apprehended at the spot, the interim order dated 20.03.2020 is ordered to be made absolute.

Accordingly, the present petition is allowed.

Nothing stated above shall be construed as an expression of opinion on the merits of the case.

01.09.2021

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No