

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

205

CRM-M No.19991 of 2021
Date of Decision: 15.11.2021

Jasvir Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Ruhani Chadha, 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 pre-arrest bail/anticipatory bail in case FIR No.285 dated 25.12.2020, under Section 15 of Narcotics Drugs and Psychotropic Substance Act, 1985 and Section 29 of Narcotics Drugs and Psychotropic Substance Act, 1985 added later on, registered at P.S. Kartarpur, District Jalandhar. 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 05.07.2021, 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-17341-2021

This application is for pre-poning the date of hearing of the main petition to an early date, which is fixed for 04.08.2021.

Notice in the application.

At the asking of the Court, Mr. Ramandeep Singh

Sandhu, Sr.DAG, Punjab accepts notice on behalf of the respondent-State and does not oppose the prayer.

Application is allowed and date of hearing is pre-poned to today.

Main case

Learned counsel for the petitioner has contended that the alleged recovery of 70 kgs. poppy husk was made from co-accused Daljit Singh, who was arrested on the spot and later, on his disclosure statement, the petitioner was indicted as an accused. According to him, the petitioner is not involved in any other case of similar nature, therefore, his custodial interrogation may not be necessary as he is willing to join the investigation.

Notice of motion for 15.11.2021.

Meanwhile, the petitioner shall join the investigation and would come present as and when called for and in the event of arrest, the petitioner shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C.”

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 Balveer 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 05.07.2021 is made absolute.

15.11.2021
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(MANOJ BAJAJ)
JUDGE

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