

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M No.16817 of 2020

Date of Decision: April 20, 2021

Kaka Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Suresh Kumar Arya, Advocate,
for the petitioner.

Mr. Rana Harjasdeep 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.30 dated 24.01.2020, under Sections 22 and 29 (added later on) N.D.P.S.Act, 1985, registered at Police Station, Tripuri Patiala, District Patiala. 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 29.06.2020, whereby while issuing notice of motion to the respondent-State, the interim protection was extended to the petitioner. The said order reads as under:-

“Learned counsel for the petitioner contends that the alleged recovery of the contraband was made from co-accused Kallu Singh @ Kala and on his disclosure statement, the petitioner was made an accused in the present FIR No.30 dated 24.01.2020, registered under Section 22 NDPS and Section 29 NDPS added later on, Police Station Tripuri, Patiala, District Patiala (Annexure P-1). He submits that since the petitioner is not involved in any other case much less of the similar nature,

therefore, in the given facts, his custodial interrogation may not be necessary.

Notice of motion for 15.10.2020.

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 does not dispute this fact that the petitioner has joined the investigation. Learned counsel, on instructions from SI Jagga Singh, further states that the petitioner 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 29.06.2021 is made absolute.

April 20, 2021
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No