

CRM-M-22486-2021

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

CRM-M-22486-2021

Date of Decision:-16.09.2021.

Deepak Bhalla

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Ramandeep Singh Gill, Advocate for the petitioner.

Mr. Saurav Khurana, DAG, Punjab.

(Through Video Conferencing)

VIKAS BAHL, J. (Oral)

This is the first petition for grant of anticipatory bail under Section 438 Cr.P.C. to the petitioner in FIR No.86 dated 10.05.2021 under Sections 21, 61, 85 of the NDPS Act, registered at Police Station Tibba, District Police Commissionerate, Ludhiana.

On 08.06.2021, a Co-ordinate Bench of this Court was pleased to pass the following order:-

“The matter has been taken up through video-conferencing in the light of the pandemic COVID-19 situation and as per instructions.

By this petition, the petitioner is seeking anticipatory bail under section 438 Cr.P.C. in case bearing FIR No.86 dated

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10.05.2021 under Sections 21 of the NDPS Act, registered at police station Tibba, District Police Commissionerate Ludhiana.

Briefly, as per the allegations, on 10.05.2021, 150 grams of Heroin was recovered from the possession of Usha Rani.

It has been contended by learned counsel for the petitioner that though Usha Rani is mother of the petitioner but he was never present at the time of the recovery. He is working as driver and was away from Ludhiana on the day of recovery. Moreover, he is being implicated on the basis of the disclosure statement of Usha Rani.

Notice of motion.

Mr. Sidakmeet Sandhu, AAG, Punjab, accepts notice on behalf of the respondent-State.

Adjourned to 16.09.2021.

In the meanwhile, the petitioner is directed to join the investigation and in the event of his arrest, he shall be released on interim bail to the satisfaction of the Investigating Officer/Arresting Officer subject to the conditions as envisaged under Section 438 (2) of Code of Criminal Procedure.”

Learned State counsel, on instructions from ASI Gurdev Singh, submits that the petitioner has joined the investigation and is not required any further for investigation.

Keeping in view the above facts and circumstances, moreso, the fact that the recovery is not from the petitioner and the alleged recovery

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from the co-accused is of non-commercial quantity and the fact that the petitioner has joined the investigation and is not required for further investigation, the present petition is allowed and interim order dated 08.06.2021 is made absolute.

However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the Trial Court would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

(VIKAS BAHL)
JUDGE

September 16, 2021.

sandeep

Whether speaking/reasoned:-

Yes/No

Whether Reportable:-

Yes/No