

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

**CRM-M-20281-2020
Date of decision: 17.02.2021**

Brijesh Kumar Gupta

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Bhupinder Singh Sudan, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of anticipatory bail in FIR No. 211 dated 20.11.2019, registered under Section 22 of the NDPS Act, 1985 and Sections 420, 201 of the IPC (Sections 25, 29 of the NDPS Act added later on) at Police Station Boha, District Mansa.

The operative part of the order dated 10.08.2020, vide which the petitioner has been granted interim bail, is reproduced below:

“Learned State counsel seeks still further time to file a detailed affidavit of a gazetted officer as regards the role of the each petitioner (as per the case of the investigating agency) with him submitting that it being a very detailed affidavit, it could not be vetted on time.

Adjourned to 13.08.2020, with it made clear that if the affidavit is not filed well in time for it to be actually listed and downloaded onto the computer of this court, the petitioners, who are stated to be in custody since November 2019, would be entitled to interim bail in their favour especially as Dr. Sidhu, learned senior counsel appearing one of them, has stated that there is no other criminal case registered against most of them.

As regards the petitioner in CRM-M-20281 of 2020, i.e.

Brijesh Kumar Gupta, learned counsel appearing for him submits that his case is not different to that of the petitioner in CRM-M-1982 of 2020 (Adish Jain) and therefore he is entitled to the same concession of interim anticipatory bail.

Learned State counsel though submits that the case of each petitioner is slightly different from the other, however he could not deny that substantially they may not be that different, subject to what would be stated in the affidavit to be filed.

That being so, the petitioner in CRM-M-20281 of 2020 is also directed to join investigation and if, upon so joining, he is sought to be arrested, he would be released on interim bail, on his furnishing adequate bail and surety bonds to the satisfaction of the arresting officer/Ilaqa Magistrate.”

Learned counsel for the petitioner submits that the petitioner, in pursuance to the order dated 10.08.2020, has already appeared before the SHO/Investigating Officer and has joined the investigation.

Learned counsel for the State, on telephonic instructions from ASI Gurmail Singh, has not disputed the factual position and submits that the petitioner has joined the investigation and is no more required for any further investigation.

In view of the above, the petition is allowed and the interim bail granted to the petitioner, vide order dated 10.08.2020, is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

17.02.2021

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No