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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-25870-2021

Date of Decision: 01.11.2021

Jatinder Mishra

.. Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. J.S. Moudgill, Advocate for the petitioner.

Mr. Ramandeep Sandhu, Sr. DAG, Punjab.

...

Manoj Bajaj, J. (Oral)

Petitioner has filed this petition under Section 438 Code of Criminal Procedure for grant of anticipatory bail in a case FIR No.67 dated 25.5.2020, registered under Sections 15 and 25 of NDPS Act at Police Station City Samana, 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 08.07.2021, whereby while issuing notice of motion to the respondent-State, the interim protection was extended to the petitioner. The said order reads as under:-

“(Through Video Conferencing)

This is a petition filed under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No. 67 dated 25.5.2020, registered under Sections 15, 25 of NDPS Act at Police Station City Samana, District Patiala.

As per allegations in FIR, a truck of which petitioner is registered owner was intercepted. 8 kg poppy husk was recovered from occupants of truck who were arrested.

Learned counsel states that at the time when the truck was apprehended, it was returning from Maharashtra after delivering steel pipes. Petitioner was not in the truck. The recovery is of small quantity.

Notice of motion.

Mr. Harpreet S. Multani, AAG Punjab accepts notice on behalf of State.

Adjourned to 5.10.2021.

In the meanwhile, in the event of arrest of petitioner, he shall be released on interim anticipatory bail to the satisfaction of Arresting Officer/Investigating Officer. He will join investigation as and when called for and cooperate in same. He will abide by conditions of 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 Rajbir does not dispute this fact that the petitioner has joined the investigation and 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 08.07.2021 is made absolute.

01.11.2021
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes No
Yes No