

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

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CRM-M-28413 of 2021

Date of decision:23.9.2021

Mohd.Sameer

... Petitioner

versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH.

Present: None for the petitioner
Mr.Saurav Khurana, DAG, Punjab
...

AMOL RATTAN SINGH, J. (Oral)

Case heard via video conferencing.

On 22.7.2021, the following order had been passed by this court:-

“The case has been taken up for hearing through video conferencing.

Prayer in the present petition filed under Section 438 of the Code of Criminal Procedure, 1973 (for short 'the Cr.P.C.') is for grant of anticipatory bail to the petitioner in case FIR No.97 dated 05.11.2020 registered under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the NDPS Act') at Police Station Behram, District SBS Nagar to which Section 29 of the NDPS Act was added lateron. Learned Counsel for the petitioner has submitted that as per the prosecution version on 05.11.2020 the police party headed by ASI Amrik Singh apprehended co-accused

Jasjot Kaur and Ravi Kumar and on search in the presence of Gurinder Pal Singh, DSP Banga, recovery of 750 strips containing 10 tablets each of Tramadol Hydrochloride was made from co-accused Jasjot Kaur and recovery of 425 injections of Bupernorphine of 2 ML each and 425 injections of Avil was made from co-accused Ravi Kumar. The petitioner was not arrested on the spot and no recovery was made from him. The petitioner has been implicated in the case on the basis of disclosure statement of the above-said co-accused. The petitioner has no concern with them. There is no other cogent material against the petitioner regarding his involvement in the crime. Rigors of Section 37(1)(b) of the NDPS Act are not applicable qua the petitioner. The petitioner is ready to join the investigation.

Notice of motion.

Pursuant to supply of advance copy, Mr. P.S. Walia, Asstt. AG, Punjab has appeared and accepted notice on behalf of the respondent-State.

Learned State Counsel has submitted that as per the call details record obtained by the police co-accused Jasjot Kaur was in contact with the petitioner and purchased the intoxicant tablets from him. However, learned State Counsel seeks time to file a detailed reply along with copies of the relevant documents.

Adjourned to 23.09.2021.

In the meanwhile, the petitioner is directed to join the investigation as and when called upon to do so. In the event of his arrest, the petitioner shall be released on interim anticipatory bail by the arresting officer/investigating officer on furnishing of bail bonds by him to the satisfaction of the arresting officer/investigating officer. The petitioner shall comply with the conditions enumerated under Section 438(2) of the Cr.P.C. failing which he shall not be entitled to the protection of interim anticipatory bail allowed to him.”

Today, though learned counsel for the petitioner is not present, learned State counsel, on instructions from ASI Nand Lal, submits that the petitioner has joined investigation pursuant to the order dated 22.7.2021 and presently his custodial interrogation is not required.

In view of above, the petition has actually been rendered infructuous and is disposed of as such.

However, if the petitioners' custodial interrogation is required at any stage hereinafter, in the context of the FIR in question, he would be given 7 days notice before arrest, duly shown to be served upon them.

23.9.2021
pk

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No