

208(1)

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-24829-2020

Date of decision-07.09.2021

PAWAN KUMAR

...Petitioner

Vs.

STATE OF PUNJAB

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. R.S. Waraich (Rana), Advocate
for the petitioner.

Mr. Ramandeep Singh Sandhu, Sr. 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.114 dated 06.08.2020, under Sections 21, 22 & 61 NDPS Act, 1985, registered at Police Station Division No. 4, District Ludhiana. The petitioner apprehended his arrest at the hands of Police, in the above FIR.

Learned counsel for the petitioner has argued that the alleged contraband (17500 intoxicant tablets) was recovered from co-accused Dhiraj Kumar, who was arrested on the spot and subsequently on his disclosure statement the petitioner was inducted as an accused.

Learned counsel for the petitioner has drawn the attention of the Court to the order dated 28.08.2020:-

“Inter alia submits that the petitioner has been falsely implicated, once again. On two earlier occasions also, the petitioner had been falsely implicated and was granted anticipatory bail by this

Court. Police is hell-bent upon arresting the petitioner.

Notice of motion.

Mr. A.P.S. Gill, DAG, Punjab, accepts notice on behalf of the respondent-State and waives service.

Adjourned to 23.11.2020.

In the meantime, the petitioner is directed to join investigation with the Investigating Officer on 10.9.2020 at 10.00 a.m. and cooperate therewith. In the event of his arrest, he shall be released on interim bail to the satisfaction of the Investigating Officer/SHO concerned subject to his compliance of the conditions enshrined under Section 438(2) Cr.P.C.

The concerned Senior Superintendent of Police/Commissioner of Police is directed to file his affidavit in respect of allegations made in the petition.”

Learned counsel for the petitioner submits that pursuant to the above order, the petitioner has joined the investigation.

Learned State counsel has referred to the reply dated 18.11.2020 and argued that the petitioner is facing prosecution in two other cases of similar nature i.e. FIR No. 70 dated 22.08.2019 under Sections 22 & 29 NDPS Act, P.S. Raikot, District Ludhiana and FIR No. 253 dated 14.11.2019 under Section 22, 25 NDPS Act, PS Sadar Jagraon. However, it is not disputed that in the present FIR nothing was recovered from the petitioner and according to the disclosure statement of Dhiraj Kumar the recovered contraband was purchased from the petitioner. He on instructions from lady ASI Manju further states that the petitioner has joined the investigation.

After considering the above background, particularly the nature of evidence relied upon by the prosecution in respect of the petitioner, the custodial interrogation of the petitioner does not seem to be necessary.

Resultantly, the petition is allowed and the interim bail granted

by this Court vide order dated 28.08.2020 is made absolute.

(MANOJ BAJAJ)
JUDGE

07.09.2021

<i>Vipin kumar</i>	Whether speaking/reasoned :	Yes	No
	Whether Reportable :	Yes	No