

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

(Sr. No. 201)

CRM-M No.34631 of 2021

Date of decision : 22.11.2021

Neelish Jairath

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL

Present : Mr. Ankur Bansal, Advocate for the petitioner.

Ms. Gunkirat Kaur, AAG, Punjab.

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DEEPAK SIBAL, J. (Oral)

The matter has been taken up through video conferencing.

The present petition has been filed under Section 438 Cr.P.C.
for the grant of anticipatory bail in FIR No. 54 dated 15.06.2021 registered
under Section 21 of Narcotic Drugs and Psychotropic Substances Act, 1985
(Section 29 NDPS Act added later on) at Police Station Division No.4
District Jalandhar.

On 25.08.2021, this Court had passed the following order : -

“The matter has been taken up through video
conferencing.

Learned counsel for the petitioner inter alia contends
that the petitioner, who is a young man aged 28 years, has been
falsely implicated in this case at the behest of the complainant;
the petitioner has no criminal antecedents; the only evidence
against the petitioner is the alleged disclosure statement made
by the co-accused in police custody which is not permissible
under Section 25 of the Indian Evidence Act; even if the case
of the prosecution is taken as gospel truth, though vehemently

denied, the alleged recovery from the co-accused is 5 grams heroin which is well below the prescribed “commercial quantity” under the NDPS Act and that the petitioner is also ready and willing to join the investigation as and when called by the investigating agency.

Notice of motion.

Mr. Jagmohan S. Ghumman, DAG, Punjab accepts notice on behalf of the respondent-State.

For arguments, adjourned to 22.11.2021.

In the meanwhile subject to the petitioner's joining investigation as and when called by the investigating agency as also abiding by the other conditions provided under Section 438 (2) Cr.P.C, in the event of his arrest in FIR No. 54 dated 15.06.2021 registered under Sections 21 and 29 of the NDPS Act at Police Station Division No.4, district Jalandhar, he shall be released on ad interim anticipatory bail to the satisfaction of the Arresting Officer.”

Learned State counsel submits that under the afore-quoted order passed by this Court, the petitioner has joined the investigation; cooperated with the investigating agency and that his custodial interrogation is not required by the State.

In view of the above, the interim order of this Court dated 25.08.2021 granting ad interim anticipatory bail to the petitioner is made absolute.

22.11.2021

sunil yadav

**(DEEPAK SIBAL)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No