

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(205)

CRM-M-30622-2020 (O&M)
Date of decision:- 27.08.2021

Prem Kumar @ Mangu Ram

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Parminder Singh Sekhon, Advocate for the petitioner.

Mr. Sandeep Singh Deol, DAG, Punjab.

...

SUVIR SEHGAL, J. (Oral)

The Court has been convened through video conferencing due to Covid-19 pandemic.

CRM-28070-2020

For the reasons given in the application, it is allowed.

Annexures P-7 to P-9 are taken on record, subject to all exceptions.

Main case

Instant petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 seeking anticipatory bail in case FIR No. 89 dated 29.07.2020 under Section 22 of the Narcotic Drugs Psychotropic Substances Act, 1985 (for short "the NDPS Act) (Section 29 of the NDPS Act was added later on), registered at Police Station Phool, District Bathinda .

On 16.12.2020, this Court passed the following order in the main

“Counsel for the petitioner has argued that recovery of 450 tablets of Clavidol, weighing 185 grams Tramadol, which falls in the intermediate category under the provisions of Narcotic Drugs and Psychotropic Substances Act, 1985, was effected from Shimlo Devi, mother of the petitioner. He submits that the petitioner and his wife Kirna Rani have been arraigned as an accused on the basis of the disclosure statement of his mother. He has argued that the FIR registered against them is an outcome of political rivalry in the village. He has referred to the orders Annexures P-2 and P-3 passed by this Court and representation Annexure P-4 submitted by the Gram Panchayat of the village to fortify this fact. He has taken the Court through the reply filed by the State and submitted that the petitioner is stated to be involved in three FIRs out of which he has been acquitted in two cases, though the State in their affidavit have mentioned that he stands acquitted in only one FIR. He has referred to the order Annexure P-10 to urge that after conviction by the trial Court, the petitioner was acquitted by this Court in the third case i.e. in FIR No.88 dated 07.09.2005. He has placed reliance upon the order dated 24.09.2020 (Annexure P-5) passed by this Court whereby interim bail was granted to his wife which has been made absolute on 16.10.2020.

Notice of motion.

On the asking of the Court, Mr. Harsimar Singh Sitta, AAG, Punjab, accepts notice on behalf of the respondent-State. A copy of the petition be supplied to him during the course of the day.

List on 10.05.2021.

Meanwhile, the petitioner shall join the

investigation and would come present as and when called for and in the event of arrest, the petitioner shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C.”

Learned State counsel, upon instructions, from ASI Jagtar Singh submits that the petitioner has joined the investigation and he is no longer required for custodial interrogation.

In view of the above fact, but without commenting on the merits of the case, the present petition is allowed. Order dated 16.12.2020 is made absolute, subject to the conditions laid down in Section 438 (2) of the Code of Criminal Procedure.

27.08.2021
Kamal

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No