

CRM-M-36749-2021

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(201)

CRM-M-36749-2021.

Date of Decision:-07.10.2021.

Lucky

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

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

Mr. Karanbir Singh, AAG, Punjab.

VIKAS BAHL, J. (Oral)

This is a first petition under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in FIR No.93 dated 26.06.2021 under Section 22 of the NDPS Act, 1985 and Section 29 of the NDPS Act, 1985 (added later on), registered at Police Station Division No.7, District Jalandhar Commissionerate.

On 07.09.2021, a Co-ordinate Bench of this Court was pleased to pass the following order:-

“Case heard via video conferencing.

By this petition, the petitioner seeks the concession of 'pre-arrest bail', upon FIR No. 93 having been registered at Police Station Division No.7, District Jalandhar, on 26.06.2021, alleging therein the commission of an offence

CRM-M-36749-2021

punishable under the provisions of Section 22 of the NDPS Act, 1985 (with Section 29 thereof having been added later).

Learned counsel for the petitioner submits that the petitioner obviously was not arrested at the spot and has been implicated only on the basis of an alleged disclosure statement made in police custody which would have no evidentiary value, with him further submitting that even the quantity of contraband stated to have been recovered from the person arrested at the spot (as per the case of the investigating agency) was less than commercial quantity.

Notice of motion.

On the asking of the court, Mr. Rana Harjasdeep Singh, D.A.G., Punjab, accepts notice on behalf of the respondent-State.

A copy of the petition be emailed to learned State counsel by counsel for the petitioner today itself.

Adjourned to 07.10.2021.

Without making any comment on the actual merits of the case, upon the petitioner joining investigation within one week from today, in case he is sought to be arrested, he would be released on bail, on his furnishing adequate bail and surety bonds to the satisfaction of the arresting officer/Ilaka Magistrate.

He shall also comply with the conditions stipulated in Section 438(2) of the Cr.P.C.

If the arresting officer does not join the petitioner in

CRM-M-36749-2021

investigation, he would appear before the learned Ilqa Magistrate immediately, who would then summon the arresting officer and direct him to join him in investigation, in terms of the order of this court.”

Learned counsel for the petitioner has submitted that in pursuance of the above-said order, the petitioner has joined the investigation.

Learned State counsel, on instructions from ASI Gulshan Kumar, has submitted that the petitioner has joined the investigation and is not further required.

This Court has heard the learned counsel for the parties.

Keeping in view the above facts and circumstances, moreso, the fact that the petitioner has joined the investigation and is not required for further investigation and also the fact that his name has been implicated only on the basis of the alleged disclosure statement of the co-accused and even the alleged contraband recovered from the person arrested on the spot was less than commercial quantity, the present petition for anticipatory bail is allowed and the interim order dated 07.09.2021 is made absolute.

However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

(VIKAS BAHL)
JUDGE

October 07, 2021.

sandeep

Whether speaking/reasoned:-

Yes/No

Whether Reportable:-

Yes/No