

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

202

CRM-M-32627-2020

Date of Decision:12.01.2021

Karnail Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr.Ravi Rana, Advocate for
Mr.Ashok Giri, Advocate
for the petitioner.

Ms.Monika Jalota, DAG Punjab

Amol Rattan Singh, J. (Oral)

Case heard by video conferencing.

On 15.10.2020, the following order had been passed by this Court:

All cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the Covid-19 pandemic.

By this petition, the petitioner seeks the concession of anticipatory bail, upon FIR no.120, dated 3.10.2019, having been registered at Police Station Mullanpur, District SAS Nagar, alleging therein the commission of offences punishable under Sections 21/22 of the NDPS Act,1985.

Learned counsel for the petitioner submits that the petitioner had been admitted to interim bail by the learned Judge Special Court, Mohali, and had even joined investigation

but thereafter the investigating officer made a report that the petitioner, after coming on one day, did not come to join investigation on the next date.

He has submitted, as is also stated in the petition itself, that actually the investigating officer had asked the petitioner for a bribe which he did not give, consequent upon which the said report was made to the court at Mohali.

The other reason given by the learned trial court is that there are other criminal cases registered against the petitioner, though in the present occurrence, even as per the allegation of the investigating agency (though denied by the petitioner), the quantity of contraband recovered is far less than commercial quantity.

Notice of motion.

Mr.H.S.Multani, learned AAG, Punjab, accepts notice at the asking of the court.

The petitioner is directed to join investigation and upon him so joining if he is sought to be arrested, he shall be released on bail, on his furnishing adequate bail and surety bonds to the satisfaction of the arresting officer/Ilaqa Magistrate.

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

If the investigating officer does not actually join the petitioner in investigation on any occasion, he would appear before the learned Ilaqa 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.

Adjourned to 12.1.2021.

Today, learned State counsel on instructions from ASI Rakesh Kumar,

reiterates that though the petitioner has joined the investigation, there are several other criminal cases registered against him, though some of them are pretty old. Therefore, he does not deserve the concession of anticipatory bail.

Having considered the matter, considering the fact that in the present case at least, the quantity of contraband alleged to have been recovered from the petitioner is admittedly less than commercial quantity, even as per learned State counsel on specific query, seen with the fact that the petitioner was in fact earlier admitted to bail by the trial Court, I see no reason to vacate the interim order passed by this Court.

In view of above, without commenting upon the merits of the case, the order dated 15.10.2020 is made absolute and the petition is disposed of as such.

12.01.2021*neenu***(AMOL RATTAN SINGH)
JUDGE**

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No