

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-36842-2020 (O&M)
Date of Decision:-23.8.2021

Rakesh Kumar

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Naveen Sharma, Advocate for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab,
assisted by ASI Lakhwinderpal Singh.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.89 dated 16.5.2020 under Sections 188/269 IPC; under Sections 22/27-A/29 of NDPS Act, 1985 and Section 3 of the Epidemic Diseases Act, 1897 at Police Station Kotwali, District Kapurthala.
2. At the time of issuance of notice of motion on 10.11.2020, the following order was passed :-

“Learned counsel for the petitioner contends that he has been falsely nominated as an accused in the present case on the ground of alleged disclosure statement made by co-accused Nekdeep Kumar, the admissibility and veracity of which would be debatable. Learned counsel has further submitted that although the main reason with the trial

Court for declining the bail of the petitioner was that the petitioner has been involved in as many as 14 other FIRs but as a matter of fact the petitioner stands acquitted in 11 of the said FIRs and only 3 matters are still pending, out of which 2 are FIR registered under Excise Act. It has further been submitted that petitioner till date has not been convicted for any offence under NDPS Act.

Notice of motion for **5.4.2021**.

Meanwhile, in the event of arrest, the petitioner be released on interim bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and cooperate with the Arresting/Investigating Officer and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.”

3. Learned State counsel, upon instructions from ASI Lakhwinderpal Singh, has informed that pursuant to interim directions, the petitioner has since joined investigation and is not required for any custodial interrogation.
4. In view of the aforesaid submission wherein the petitioner is stated to have joined investigation and is not required for any custodial interrogation, the petition is accepted and the interim directions issued by this Court vide order dated 10.11.2020 are made absolute subject to condition that petitioner shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438(2) Cr.P.C.

23.8.2021

kamal

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned
Whether Reportable

Yes / No
Yes / No