

CRM-M No.42574 of 2020

Date of Decision: 27.10.2021

Sahdavi

...Petitioner

Versus

State of Punjab

....Respondent

Coram : Hon'ble Mr. Justice B.S. WaliaPresent : Mr. G.S. Brar, Advocate for the petitioner.
Mr. C.L. Pawar, Sr. DAG, Punjab.
*****B.S. Walia, J. (Oral)**

1. Case is being taken up for hearing through Video Conferencing due to Covid-19 pandemic.
2. Prayer in the petition under Section 438 Cr.P.C. is for grant of pre-arrest bail to the petitioner in case FIR No.0155 dated 01.11.2020, registered under Sections 18(C), 19& 61 NDPS Act at Police Station Bahawala, District Fazilka.

3. On 02.09.2021, the following order was passed:-

“ Notice of motion was issued on 18.12.2020 and arrest of the petitioner was also stayed.

As per prosecution story, petitioner was not named in the FIR. His name came to be figured in the disclosure statement of Lovepreet Kamboj and Surinder Singh. Petitioner was neither the occupant of pilot car nor of Scorpio car. Nothing was recovered from him.

Earlier petitioner filed CRM-M No.15083 of 2020 in which learned State counsel on instructions from ASI Davinder Singh made a statement that petitioner was not wanted by the Police as no FIR was registered against him. The said petition was disposed of vide order dated 15.06.2020.

Vide order of even date passed in CRM-M No.41668 of 2020, co-accused Karamveer Singh @ Gaggi has been granted anticipatory bail.

In view of aforesaid position, it would be just and appropriate to direct the petitioner to appear before the SHO/Investigating Officer to join investigation on 07.09.2021 at 11.00 A.M., and in the event of his arrest, he shall be enlarged on interim bail, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of Arresting Officer. However, petitioner shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

Nothing expressed hereinabove shall be construed to be an opinion on the merits of the case. The case shall be decided on merits on the adjourned date.

Adjourned to 27.10.2021."

4. Today, learned counsel contends while learned State counsel on instructions from *ASI Davinder Singh*, confirms that pursuant to the order of this Court dated 02.09.2021, the petitioner joined investigation, fully cooperated with the police, was released on ad interim pre-arrest bail and that his custodial interrogation is not required.

5. In view of the statement of learned State counsel, order dated 02.09.2021, passed by this Court, is made absolute. The petitioner shall abide with the conditions contained in Section 438(2) Cr.P.C. However, nothing stated hereinabove shall be construed to be an expression of opinion on the merits of the case.

6. Petition stands *disposed of* in the aforementioned terms.

(B.S. Walia)
Judge

27.10.2021
'Rajneesh/GSV'

Whether speaking/ reasoned : Yes/No
Whether reportable : Yes/No