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

**CRM-M No44454 of 2020(O&M)
Date of Decision: 19.08.2021**

Rajinder Singh @ Raja Walia

.....Petitioner

Vs

State of Punjab

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present:Mr. G.S. Simble, Advocate
for the petitioner.

Mr. Amar Ashok Pathak, Addl., A.G., Punjab.

RAJ MOHAN SINGH, J. (Oral)

The case has been taken up for hearing through video conferencing.

Petitioner seeks grant of anticipatory bail in case bearing FIR No.277 dated 17.12.2020 registered under Sections 283, 440, 290 IPC and 32 NDPS Act at Police Station City Batala, Police District Batala, District Gurdaspur.

Offence under Section 283, 290 and 440 IPC are bailable. Offence under Section 32 of the NDPS Act is in relation with punishment for the offence, for which no

punishment is provided. Under this provision, punishment provided is an imprisonment for a term of 6 months or fine or both.

As per classification of the offence i.e. Part 2 of First Schedule of the Code of Criminal Procedure, if the offence punishable for imprisonment for less than 3 years or with fine only, the same would be non-cognizable and bailable.

In view of aforesaid position, all the offence alleged against the petitioner are bailable in nature.

Judge Special Court, Gurdaspur granted interim bail to the petitioner vide order dated 21.12.2020, but ultimately dismissed the same on 24.12.2020 on the premise that the petitioner has not co-operated in the investigation by not disclosing the names of his companions.

At the time of issuance of notice of motion on 04.01.2021, arrest of the petitioner was stayed and he was also directed to join the investigation.

Learned counsel for the petitioner submits that in compliance of the aforesaid order, the petitioner has joined the investigation.

Learned State counsel on instructions from Investigating Officer admits the aforesaid fact and submits that the petitioner is no more required for further investigation in the

case.

In view of above, the interim order dated 04.01.2021 is made absolute. Petitioner shall keep on joining the investigation as and when required to do so and shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

Petition stands disposed of.

19.08.2021

Prince

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)

JUDGE

Yes/No

Yes/No