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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-49161-2019
Date of decision-01.09.2021

AMIT KUMAR @ KAKKU

...Petitioner

Vs.

STATE OF PUNJAB

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. L.S. Sidhu, Advocate
for the petitioner.

Mr. Ramandeep Singh Sandhu, Sr. DAG, Punjab.

MANOJ BAJAJ, J. (ORAL)

This petition has been filed by the petitioner under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.284 dated 17.10.2019, under Sections 22, 25 & 29 (added later on) Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Sardulgarh, District Mansa. The petitioner apprehended his arrest at the hands of Police, in the above FIR.

Learned counsel for the petitioner has invited the attention of the Court to the order dated 20.11.2019, whereby, while issuing notice of motion to respondent-State, the interim protection was extended to the petitioner. The said order reads as under:-

*“The petitioner is seeking anticipatory bail in
FIR No. 284 dated 17.10.2019, under Sections 22 and*

25 of the Narcotic Drugs and Psychotropic Substances Act, 1985 ('NDPS Act' - for short) (Section 29 of the NDPS Act added later on), registered at Police Station Sardulgarh, District Mansa.

Learned counsel for the petitioner contends that the allegations in the FIR are that the tablets of Tramadol and Alprozolam were recovered from the car in which co-accused, namely, Ankur Mehta and Kannu were travelling. They were arrested at the spot. He also contends that the petitioner has been arraigned as an accused on the statement of co-accused Ankur Mehta. He also contends that Ankur Mehta is the cousin of the petitioner and they are not on talking terms on account of a property dispute. He also contends that the petitioner has been falsely implicated by co-accused Ankur Mehta. He also contends that there is no prima facie evidence to indicate the involvement of the petitioner in the alleged commission of offence. He also contends that the petitioner is not involved in any other case under the NDPS Act.

Issue notice to the respondent returnable on 12.12.2019.

In the meantime, the petitioner is directed to appear before the investigating/arresting officer and join investigation.

In the event of his arrest, the investigating/arresting officer shall release the petitioner on ad interim bail subject to his/her satisfaction. The petitioner shall also abide by the conditions as envisaged under Section 438 (2) Cr.P.C.”

Learned counsel for the petitioner further contends that in deference to the said order, the petitioner submitted himself before the Police and joined the investigation. According to him, the petitioner cooperated with the Police Authorities during the investigation and furnished requisite bonds to the satisfaction of the Investigating Officer/Arresting Officer.

Learned State counsel, who is assisted by ASI Avtar Singh does not dispute this fact that the petitioner has joined the investigation and he is not required for custodial interrogation for the time being.

Considering the above, the petition is allowed and the interim bail granted by this Court vide order dated 20.11.2019 is made absolute.

(MANOJ BAJAJ)
JUDGE

01.09.2021

Vipin kumar

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