

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-17212-2021 (O&M)
Date of Decision:- 21.01.2022

IMRAN KHAN @ SONY

... *Petitioner*

Versus

STATE OF PUNJAB

... *Respondent*

CORAM: *HON'BLE MR. JUSTICE MANOJ BAJAJ*

Present: Mr. Arjun D. Singh, Advocate, for
Ms. Amandeep Kaur, Advocate,
for the petitioner.

Mr. Ramdeep Partap Singh, DAG, Punjab.

MANOJ BAJAJ, J.(Oral)

Petitioner has filed this petition under Section 438 Code of Criminal Procedure for grant of anticipatory bail in a case FIR No.23, dated 12.3.2021, registered under Sections 21 of NDPS Act, Police Station City-II, Malerkotla, District Sangrur. 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 23.4.2021, whereby while issuing notice of motion to the respondent-State, the interim protection was extended to the petitioner. The said order reads as under:-

“Learned counsel contends that as per the allegations, an unknown person was seen coming on a motorcycle by police, who on seeing the police threw an envelope containing contraband (15 grams heroin) and escaped. According to the learned counsel, no particulars of the petitioner much less the registration number of the motorcycle are contained in the FIR and, therefore, the custodial interrogation of the petitioner may

not be necessary, particularly when the recovered contraband is non-commercial in nature.

Notice of motion for 24.08.2021.

Meanwhile, the petitioner shall join the investigation and would come present as and when called for and in the event of arrest, the petitioner shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C.”

Learned counsel for the petitioner further states 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 Kulwinder Singh does not dispute this fact that the petitioner has joined the investigation and is not required for custodial interrogation for the time being.

Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 23.4.2021 is made absolute.

21.01.2022
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(MANOJ BAJAJ)
JUDGE

Whether speaking /reasoned Yes

Whether Reportable No