

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

207

**CRM-M-20057 of 2022
Date of Decision: 14.11.2022**

Sewa Dass

....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Avtar Singh Bhatti, Advocate,
for the petitioner.

Mr. Amit Rana, Senior Deputy Advocate General, Punjab

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Section 438 of the Code of Criminal Procedure for the grant of anticipatory bail to the petitioner in FIR No.0044 dated 22.04.2022, under Section 15 of the NDPS Act, registered at Police Station Mukerian, District Hoshiarpur.

Learned counsel for the petitioner submitted that although the name of the petitioner was mentioned in the FIR but even a bare perusal of the FIR would show that the primary allegations were against one Mamta and there had been an alleged recovery of 20 kgs of poppy husk from the house of the aforesaid Mamta and the petitioner has got nothing to do with the present case and the aforesaid quantity which was allegedly recovered from the house of Mamta does not fall under the category of commercial quantity. He has further submitted that the petitioner was falsely implicated in the present case and he has clean antecedents and is not involved in any other case but has been roped

in the present case only because of the reasons that he is the husband of other co-accused namely Lovely, who is involved in many other cases. He submitted that be that as it may, this Court had granted interim bail to the petitioner vide order dated 11.05.2022 and in pursuance thereof, he has already joined investigation and he has also fully cooperated with the investigation process and has prayed that the aforesaid order may be confirmed.

On the other hand, Mr. Amit Rana, learned Senior Deputy Advocate General, Punjab has stated, on instructions from ASI Sukhdev Singh, that it is correct that in pursuance of the order passed by this Court, the petitioner has already joined investigation and he has fully cooperated with the investigation process and he has further instructions to say that the petitioner is not required for his custodial interrogations.

I have heard the learned counsel for the parties.

The petitioner in pursuance of the order passed by this Court on 11.05.2022, has already joined investigation and as per the learned State counsel, he is not required for custodial interrogation.

In view of the aforesaid position, this Court deems it fit and proper to allow the present petition. Consequently, the petition stands allowed and the order dated 11.05.2022 is hereby made absolute.

(JASGURPREET SINGH PURI)
JUDGE

November 14, 2022
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Whether speaking	:	Yes/No
Whether reportable	:	Yes/No