

206 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-23198-2021
Date of decision-18.02.2022

Bablu

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Mikhail Kad, Advocate for the petitioner.

Mr. Sukhbeer Singh, AAG, Punjab.

MANOJ BAJAJ, J.

Petitioner has approached this Court under Section 438 Code of Criminal Procedure to seek anticipatory bail in case FIR No.124 dated 22.08.2019 under Sections 21 and 29 Narcotic Drugs and Psychotropic Substances Act, 1985 (Sections 61/1/14 Punjab Excise Act, 1914 added later on) registered at Police Station City-I, District Sangrur, who apprehends his arrest at the hands of Police.

On 16.06.2021, this Court had passed the following order:-

“As per the allegations of the prosecution, recovery in this case is 1 gram of heroin along with 120 bottles of country-made liquor. Concededly, the recovery has already been effected from co-accused Mani Singh. Notice of motion. Mr. M.S. Dullat, Addl.A.G., Punjab, accepts notice on behalf of the State and seeks time to have instructions and to file written response of the seizing officer.

On his request, adjourned to 15.07.2021.

In the meanwhile, petitioner will join investigation before the Investigating Officer. In the event of his arrest, the Arresting Officer would admit him to interim bail, till the next date of hearing, on his furnishing adequate bail

and surety bonds to his satisfaction. The petitioner is also directed to abide by all the conditions as envisaged under Section 438(2) of Code of Criminal Procedure, 1973.”

Thereafter, on 15.07.2021, it was stated by learned State counsel that the custodial interrogation of the petitioner is not required, however, this Court had directed the petitioner to furnish the affidavit with an undertaking that he would not commit any such crime and in the event of violation of the undertaking, it shall be open for the State to seek cancellation of bail.

Learned counsel for the petitioner states that in compliance of the above, the petitioner had already furnished the requisite affidavit, however, this fact is disputed by learned State counsel assisted by ASI Ranjit Singh.

Considering the above background, this Court is of the opinion that for the purpose of affidavit, the petition cannot be kept pending as the custodial interrogation of the petitioner is not required. Needless to observe that in case the petitioner misuses the concession, the prosecution can always seek cancellation of bail.

Resultantly, the petition is allowed and the interim bail granted by this Court vide order dated 16.06.2021 is made absolute.

(MANOJ BAJAJ)
JUDGE

18.02.2022

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