

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

296-A

CRM-M-21623-2022(O&M)

Decided on :31.05.2022

Dinesh Kumar @ Vasu

. . . Petitioner

Versus

State of Punjab

. . . Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Akbarjit Singh, Advocate
for the petitioner.

Mr. M. S. Nagra, AAG, Punjab.

VIKAS BAHL, J. (Oral)

This is second petition for grant of anticipatory bail to the petitioner in FIR No.93 dated 26.06.2021 registered under Sections 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Division No. 7, District Jalandhar.

After notice of motion having been issued for 31.05.2022 in the present petition, on 19.05.2022, this Court was pleased to pass the following order:-

“Learned counsel for the petitioner inter alia contends that the present petition is in effect the first petition for grant of anticipatory bail inasmuch as the first anticipatory bail petition was withdrawn on 27.04.2022 with liberty to file a fresh petition after disclosing the FIRs pending against the petitioner. It is further submitted that neither the petitioner has been named in the FIR nor any recovery has been effected from him and the alleged recovery has been effected from the co-accused namely Harjit Singh @ Kaka @ Mahant, from whom also, the

recovery effected is of non-commercial quantity. It is contended that the petitioner has been implicated solely on the basis of disclosure statement of the said co-accused and Lucky, who has also been named on the basis of disclosure statement of the said co-accused Harjit Singh, and has also been granted the concession of anticipatory bail vide order dated 07.10.2021 passed by this Court in CRM-M-36749-2021.

Notice of motion for 31.05.2022.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

To be heard alongwith CRM-M-21377-2022. ”

Learned counsel for the petitioner has submitted that in pursuance of the abovesaid order dated 19.05.2022, the petitioner has joined the investigation.

Learned counsel for the State, on instructions from ASI Balbir Singh, has submitted that the petitioner has joined the investigation on 24.05.2022 and is not required for any further custodial interrogation.

Keeping in view the abovesaid facts and circumstances moreso, the facts which have been noticed in abovesaid order dated 19.05.2022 and also the fact that the petitioner has joined the investigation and is not required for further custodial interrogation,

the present petition is allowed and the interim order dated 19.05.2022 is ordered to be made absolute.

However, nothing stated above shall be construed as an expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

Pending miscellaneous applications, if any, stand disposed of in view of the abovesaid order.

(VIKAS BAHL)
JUDGE

May 31st,2022
Mehak

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No