

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(296)

CRM-M-21377-2022 (O&M)

Date of decision: - 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 the second petition under Section 438 of Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.90 dated 18.06.2021, under Section 21 of the Narcotic Drugs & Psychotropic Substances Act, 1985, registered at Police Station Division No.7, Jalandhar.

On 18.05.2022, 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is in effect the first petition for grant of anticipatory bail inasmuch as the first anticipatory bail petition was withdrawn with liberty to file a fresh petition after furnishing relevant documents. It is further submitted that no recovery has been effected from the petitioner and the alleged recovery effected from the co-accused-Happy is of 2 grams of heroin which is small quantity and the petitioner was granted interim bail and could not join the investigation as the petitioner was also implicated in another case i.e. FIR No.93 dated 26.06.2021, in which also, no recovery was effected from the petitioner and the recovery effected even in the said case was of non-commercial quantity.

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..”

Learned counsel for the petitioner has submitted that in pursuance of the above-said order, the petitioner has joined the investigation.

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

Keeping in view the abovesaid facts and circumstances moreso, the facts which have been noticed in abovesaid order dated 18.05.2022 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 18.05.2022 is ordered to be made absolute.

However, nothing stated above shall be construed as a final 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.

All the pending miscellaneous applications, if any, stand disposed of in view of the abovesaid judgment.

May 31, 2022
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes
No