

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH.**

201

**CRM-M-29191-2021
Date of decision: 08.02.2022**

MOHAMMAD AREEF

.....PETITIONER

Versus

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANT PARKASH

Present : Mr. Naveen Sharma, Advocate
for the petitioner.

Mr. Tanvir Joshi, AAG, Punjab
for the respondent-State.

SANT PARKASH, J. (ORAL)

The case has been taken up for hearing through video conferencing.

Prayer in this petition under Section 438 of the Code of Criminal Procedure, 1973 is for grant of anticipatory bail to the petitioner, in case, FIR No. 139 dated 30.06.2021 registered under Section 15-C, 25 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Canal Colony, Bathinda, District Bathinda..

While issuing notice of motion on 27.07.2021, Co-ordinate Bench of this Court, granted interim anticipatory bail to the petitioner with direction to join the investigation. Relevant part of order dated 27.07.2021 reads as under :-

“Counsel for the petitioner contends that the

petitioner has been arraigned as an accused as he is the owner of truck, from which recovery of 150 kg of poppy husk, which falls within the ambit of commercial quantity, has been effected. He submits that his relatives, namely, Mohammad Altaf and Mohammad Iqbal, who were apprehended, had taken the truck from petitioner on the pretext of transporting goods, but the petitioner was not aware that the truck was being used to transport contraband. Counsel submits that the petitioner, who has a clean past, is willing to join the investigation and co-operate with the Investigating Agency.

Notice of motion.

On asking of the Court, Mr. Harbir Singh Sandhu, AAG, Punjab accepts notice on behalf of respondent-State.

List on 02.11.2021.

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

Further, vide order dated 02.11.2021, learned Counsel for the petitioner submitted that order dated 27.07.2021 passed by this Court has been complied with and he sought time to file an affidavit/undertaking to the effect that the petitioner will regularly appear before the trial Court and co-operate during the course of trial.

In compliance to the aforesaid order, an affidavit of the petitioner-Mohammad Areef has been filed today wherein the petitioner has deposed that he will never misuse the concession of bail granted by this Hon'ble Court and will never delay or hamper the proceedings before the learned trial Court in any manner. The deponent further undertakes that he will make himself available on each and every date of hearing before the learned trial Court.

At the very outset, learned State Counsel has submitted that challan in the present case has already been submitted on

27.10.2021 and the present petition seeking grant of anticipatory bail to the petitioner has rendered infructuous.

In view of the above, the present petition is disposed of as having become infructuous.

08.02.2022
kavneet singh

(SANT PARKASH)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No