

CRM-M-27659-2022
Date of Decision: 01.09.2022

.....Petitioner

.....Respondent

Present: Mr. Kaushal Chahal, Advocate, for
Mr. Parminder Singh Sekhon, Advocate, for the petitioner.

This is the first petition under Section 438 of Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No. 166 dated 27.04.2022, under Sections 21, 25 and 29 of the NDPS Act, 1989, registered at Police Station City Barnala, District Barnala,

“Inter alia contends that in the present case, as per the case of the prosecution, secret information was received against the petitioner and his wife and there were around 6 police officials at the spot and yet, the petitioner is stated to have run away and escaped and the same is not plausible and thus, cannot be believed. It is further submitted that the alleged recovery effected from the wife of the petitioner is 10 grams of heroin, which is a non commercial quantity and thus, the bar under Section 37 of the NDPS Act would not apply. It is argued that the petitioner has been implicated solely on account of being the husband of Laxmi Kaur.

In the meantime, in the event of arrest, the

petitioner is ordered to 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.

(VIKAS BAHL)
JUDGE

29.06.2022”

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 from ASI Sukhwinder Singh, has submitted that the petitioner has joined the investigation 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 29.06.2022, 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 29.06.2022 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.

September 01, 2022
nitin

Whether speaking/reasoned
Whether Reportable

(VIKAS BAHL)
JUDGE
Yes
No