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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-36214-2021 (O&M)
Date of Decision: 19.01.2022

Amandeep

.. Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Ms. Katyani Dwevedi, Advocate for the petitioner.

Mr. Ramandeep Sandhu, Sr. DAG, Punjab.

...

Manoj Bajaj, J. (Oral)

Petitioner has filed this petition under Section 438 Code of Criminal Procedure for grant of anticipatory bail in a case FIR No.0063 dated 24.07.2021, registered under Sections 18-29-61-65 NDPS Act at Police Station GRP Ludhiana, District Govt. Railway Police, Ludhiana. The petitioner apprehends his arrest at the hands of Police, in the above FIR.

Learned counsel for the petitioner has invited the attention of the Court to the order dated 03.09.2021, whereby while issuing notice of motion to the respondent-State, the interim protection was extended to the petitioner. The said order reads as under:-

“Learned counsel contends that the alleged contraband (2 kgs opium) was recovered from co-accused Manoj Kumar, who was arrested on the spot and subsequently, on his disclosure statement, co-accused Amardeep Kumar Mahato was indicted, who is also in custody. Learned counsel has further submitted that on his disclosure statement, Amandeep and Akashdeep have been implicated as an accused in the case. According to the learned counsel, in the given facts, the custodial interrogation of the petitioner may not be necessary.

Notice of motion for 18.01.2022.

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

Learned counsel for the petitioner further states that in deference to the said order, the petitioner submitted himself before the Police and joined the investigation. According to her, the petitioner cooperated with the Police Authorities during the investigation and furnished requisite bonds to the satisfaction of the Investigating Officer/Arresting Officer.

Learned State counsel, who is assisted by SI Palwinder Singh, does not dispute this fact that the petitioner has joined the investigation and is not required for custodial interrogation for the time being. He states that the challan has been presented on 22.09.2021.

Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 03.09.2021 is made absolute.

19.01.2022
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes No
Yes No