

IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH

CRM-M-41493-2022

Date of decision : 27.10.2022

Baldev Raj

... Petitioner

Versus

State of Punjab

... Respondent

***CORAM: HON'BLE MR.JUSTICE VIKAS BAHL***

Present: Mr.Amandeep Singh Manaise, Advocate  
for the petitioner.

Mr.Tarun Aggarwal, Sr.DAG, Punjab.

**VIKAS BAHL, J.(ORAL)**

This is a first petition under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in FIR no.106 dated 08.08.2022 registered under Sections 22(c), 29 of the Narcotic Drugs and Psychotropic Substances Act 1985 at Police Station Dhariwal, District Gurdaspur.

On 12.09.2022, this Court was pleased to pass the following order:-

*“Inter alia contends that in the present case although the name of the petitioner has been mentioned in the secret information along with the name of co-accused, but the petitioner has neither been apprehended at the spot, nor any recovery has been effected from him or from his house. It is submitted that the alleged recovery has been effected from the house of the co-accused Sonu and the said house is at a distance of 150 meters from the house of the petitioner. It is further submitted that it is not possible to believe that in the presence of five police officials, the petitioner had managed to escape. It is further submitted that in the present case, there is violation of Section 42 of the NDPS Act inasmuch as the raid in the present case had been conducted at*

*9:25 PM, i.e. after sun set and there were no special reasons recorded on the said aspect, as is required under the provision to Section 42 of the NDPS Act.*

*Notice of motion for 27.10.2022.*

*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**

***September 12, 2022.***”

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

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

Keeping in view the above said facts and circumstances moreso, the facts which have been noticed in the order dated 12.09.2022, and also the fact that the petitioner has joined the investigation and is not required for further investigation, the present petition is allowed and the interim order dated 12.09.2022 is made absolute.

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 petition.

**(VIKAS BAHL)**  
**JUDGE**

**October 27, 2022**

*Davinder Kumar*