

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-41930-2022

Date of decision : 31.10.2022

Charanjit Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.Ranjodh Singh Sidhu, Advocate
for the petitioner.

Mr. Ramdeep Partap Singh, 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.255 dated 13.07.2022 registered under Section 21(B) of the Narcotic Drugs and Psychotropic Substances Act 1985 (in short “NDPS Act”) and Section 42 of the Prisons Act, 1894 at Police Station Goindwal Sahib, District Tarn Taran.

On 14.09.2022, this Court was pleased to pass the following order:-

“Inter alia contends that in the present case no recovery has been effected from the present petitioner and as per the prosecution case, the petitioner was not even present when the recovery was allegedly made from the clothes which were to be given to the brother of the petitioner. It is further submitted that although the alleged incident had taken place on 11.07.2022 at 1:00 PM, the FIR has been registered on 13.07.2022 at 5:35 PM and the alleged recovery of contraband effected from the clothes of the brother of the petitioner is of 50 grams of heroin, which is non commercial quantity and the bar under Section 37 of the NDPS Act

would thus, not apply. It is stated that the petitioner is a young boy of 20 years and has no criminal antecedents and is not involved in any other case.

Notice of motion for 26.09.2022.

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 14, 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 Chand, 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 14.09.2022, 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 14.09.2022 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 31, 2022

Davinder Kumar

Whether speaking / reasoned
Whether reportable

Yes/No
Yes/No