

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-46372-2021 (O&M)

Date of Decision:- 4.7.2022

Kasm

.... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. L.S.Sekhon, Advocate, for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab,
assisted by ASI Gurdeep Singh.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered against him vide FIR No.104 dated 10.10.2021 at Police Station Chhajli, District Sangrur under Sections 15 and 29 of Narcotic Drugs & Psychotropic Substances Act.
2. At the time of issuance of notice of motion the following order was passed on 3.11.2021:

“The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.104 dated 10.10.2021 at Police Station Chhajli, District Sangrur under Sections 15 and 29 of Narcotic Drugs & Psychotropic Substances Act.

As per the case of prosecution, a secret information was received against one Mohd. Sarif to the effect that he

indulges in sale of 'poppy husk' and that on the given day he was coming on a tractor trolley from Sangrur and had kept concealed 'poppy husk' in the trolley underneath cots and mattress. It is further the case of prosecution that pursuant to receipt of said information, the police was able to intercept the aforesaid Mohd. Sarif and 85 kgs. of 'poppy husk' was recovered from the tractor trolley, which he was driving. It is further the case of prosecution that upon interrogation, he disclosed that it is his brother Kasm (petitioner), who had kept the said contraband in tractor trolley.

Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case on the basis of disclosure statement, which would hardly carry any evidentiary value and it is highly unlikely that a person would implicate his real brother by making a disclosure statement.

Notice of motion for 10.3.2022.

Meanwhile, in the event of arrest, the petitioner be released on interim bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join investigation as and when called upon to do so and cooperate with the Arresting/Investigating Officer and shall abide by the conditions as provided under Section 438(2) Cr.P.C.”

3. Learned State counsel, upon instructions from ASI Gurdeep Singh, has informed that pursuant to interim directions, the petitioner has joined investigation and is not required for custodial interrogation.
4. Having regard to the aforestated position wherein the petitioner has joined investigation and is not required for any custodial interrogation, the petition is accepted and the interim directions

issued by this Court vide order dated 3.11.2021 is hereby made absolute subject to the condition that the petitioner shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

4.7.2022

Mohan

(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No