

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-44463-2022

Date of decision : 27.10.2022

Suresh Kumar @ Sheshi

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.Sandeep Arora, Advocate
for the petitioner.

Mr.Iabal S.Mann, 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.80 dated 14.06.2022 registered under Sections 27 and 29 of the Narcotic Drugs and Psychotropic Substances Act 1985 (Sections 308, 34 IPC added later on) at Police Station Dhariwal, District Gurdaspur.

On 27.09.2022, this Court was pleased to pass the following order:-

“Inter alia, contends that the petitioner has been falsely implicated in the present case and when he learnt about the said case, he himself surrendered before the Illaqa Magistrate on 16.06.2022 and vide order dated 23.06.2022 (Anenxure P-2) the petitioner was granted regular bail. It is further contended that after a period of more than 2½ months, the supplementary statement of the complainant has been recorded and the offences under Sections 308 and 34 IPC have been added, in which, it has been alleged that co-accused of the petitioner, namely, Manpreet Singh @ Sunny and Harpreet Singh had given beatings to the

brother of the complainant, namely, Manish @ Mani and had also dragged him. It is argued that the said allegations have not been levelled against the present petitioner and the petitioner is not involved in any other case.

Notice of motion for 27.10.2022.

In the meantime, in the event of arrest, the petitioner shall 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.

September 27, 2022

(VIKAS BAHL)
JUDGE "

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

Learned State counsel 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 27.09.2022, 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 27.09.2022 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

Whether speaking / reasoned
Whether reportable

Yes/No
Yes/No

