

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-48480-2022
Date of decision : 30.11.2022

Mohan Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.Kanwar Inder Singh, Advocate
for the petitioner.

Mr.Tarun Aggarwal, Sr.DAG, Punjab.

VIKAS BAHL, J.(ORAL)

This is a second petition under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in FIR no.125 dated 21.08.2022 registered under Sections 15, 25, 29/61/85 of the Narcotic Drugs and Psychotropic Substances Act 1985 at Police Station City-1, Sangrur.

On 28.10.2022, this Court was pleased to pass the following order:-

“This is second petition filed under Section 438 of Cr.P.C. for grant of anticipatory bail to the petitioner in FIR No.125 dated 21.08.2022 registered under Sections 15, 25, 29/61/85 of NDPS Act, at Police Station City-1 Sangrur, District Sangrur.

Learned counsel for the petitioner has submitted that earlier anticipatory bail application filed by the petitioner was dismissed as withdrawn on 14.10.2022 with liberty to file a fresh petition after giving full and better particulars and thus, in effect, the present petition is the first anticipatory bail petition filed by the petitioner. It is further submitted that in the present case, the petitioner was not apprehended at the spot and no recovery was

effected from him and does not own any car much less the white Indica in which the poppy husk was being transported. It is contended that the petitioner has been falsely implicated in the present case on account of enmity with ASI Paramjit Singh inasmuch as criminal complaint regarding outraging her modesty was filed by a girl in the Court of Judicial Magistrate Ist Class, Sunam against ASI Paramjeet Singh and in that case, the petitioner had helped the victim and it is on account of the said incident, that the petitioner has been implicated in the case. It is further contended that it is impossible to believe that in the presence of six police officials, the petitioner could escape in the field. It is argued that the petitioner is not involved in any other criminal case and he is sole bread winner of his family and has his 95 year old father to take care of.

Notice of motion for 30.11.2022.

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.

28.10.2022 ”

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 28.10.2022, 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 28.10.2022 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

November 30, 2022
Davinder Kumar

Whether speaking / reasoned	Yes/No
Whether reportable	Yes/No