

CRM-M-54478-2021 (O&M)

Date of Decision:15.02.2022

Mohan Lal

.....Petitioner

Vs.

State of Punjab

....Respondent

CORAM : HON'BLE MR.JUSTICE AMOL RATTAN SINGHPresent: Mr. Deepinder Brar, Advocate,
for the petitioner.

Mr. Sidakmeet Singh Sandhu, AAG, Punjab.

AMOL RATTAN SINGH, J. (Oral)Case heard *via* video conference.

On 23.12.2021, the following order had been passed by this court:-

“By this petition, the petitioner seeks the concession of 'pre-arrest bail', upon FIR No. 27 having been registered at Police Station Nathana, District Bathinda, on 01.03.2021, alleging therein the commission of an offence punishable under the provisions of Section 22-B of the NDPS Act, 1985.

Learned counsel for the petitioner at the outset submits that the order of the learned Additional Sessions Judge, Bathinda, dismissing a similar petition filed before that court, is not available on the website of that court, though the status report uploaded on the website shows that the case has been dismissed (a copy of which has been annexed as Annexure P-3 with the petition).

He further submits that the petitioner has been allegedly named by the person from whom 500 tablets of the 'Tramadol Hydrochloride' were recovered, with that statement before the police (as per the case of the investigating agency), being that he had obtained the contraband from the petitioner (also named Mohan Lal as is the other co-accused), who as per that person runs Janta Medical Store in Bhucho Mandi.

Learned counsel submits that as a matter of fact the petitioner runs K.M. Medical Store and not Janta Medical Store; and consequently, the petitioner has been erroneously/wrongly named either by his co-accused or by the police.

Notice of motion.

On the asking of the court, Mr. Rana Harjasdeep Singh, D.A.G., Punjab, accepts notice on behalf of the respondent-State. A copy of the petition be handed over to learned State counsel by counsel for the petitioner.

Keeping in view that even as per the order of the learned Special Judge, Bathinda, dated 03.05.2021 (copy Annexure P-1), admitting the co-accused of the petitioner to bail (also named Mohan Lal), it is stated that the recovery of contraband from that person was of non-commercial quantity, the petitioner is directed to join investigation within one week and in case he is sought to be arrested, he would be released on bail, on his furnishing adequate bail and surety bonds to the satisfaction of the arresting officer/Ilaqa Magistrate.

He shall also comply with the conditions stipulated in Section 438(2) of the Cr.P.C.

If the arresting officer does not join the petitioner in investigation, he would appear before the learned Ilaqa Magistrate immediately, who would then summon the arresting officer and direct him to join him in investigation, in terms of the order of this court.

Adjourned to 15.02.2022.”

Today, learned State counsel submits that the petitioner has joined investigation and does not deny that, as per his instructions, the quantity of contraband as is stated to have been recovered from the person who allegedly disclosed the petitioners' name (in police custody) was non-commercial quantity.

That being so, without making any comment on the actual merits of the case, the petition is allowed, with the order dated 23.12.2021 made absolute, on the same terms and conditions.

February 15, 2022

dharamvir

**(AMOL RATTAN SINGH)
JUDGE**

Whether speaking/reasoned : YES
Whether Reportable : NO