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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-54770-2021 (O&M)
Date of Decision:04.04.2022

Boota Singh

.. Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Ruhani Chadha, Advocate for the petitioner.

Mr. Dhruv Dayal, Sr. DAG, Punjab.

...

Manoj Bajaj, J. (Oral)

Petitioner has approached this Court under Section 438 Code of Criminal Procedure to seek anticipatory bail in a case FIR No.220 dated 01.11.2021 registered under Section 15 NDPS Act, 1985 at Police Station Dharamkot, District Moga, who apprehends his arrest at the hands of Police.

On 03.01.2022, this Court had passed the following order:

“The petitioner has approached this Court for grant of pre-arrest bail in case FIR No. 220 dated 01.11.2021 registered at Police Station Dharamkot, District Moga in offence under Section 15 of Narcotic Drugs and Psychotropic Substances Act, 1985.

Learned counsel for the petitioner inter alia contends that the false case of recovery has been foisted against the petitioner. The recovery in question is stated to have been effected from two vehicles parked in the godown. There is nothing to establish the connectivity of the petitioner to either the vehicles, the recovered contraband or the godown. It is further argued that identically placed co-accused of the petitioner have already been granted concession of pre-arrest bail by this Court in CRM-M-50383 of 2021; CRM-M-51048 of 2021, CRM-M-51050 of 2021, CRM-M-51800 of 2021, CRM-M-52014 of 2021 and CRM-M-52402 of 2021 vide orders dated 02.12.2021, 07.12.2021 and 14.12.2021 respectively.

According to the learned counsel for the petitioner, the case of the petitioner is at par with them and that he is willing to join investigation.

It is also submitted that no other case under the NDPS Act has been registered against the petitioner.

Notice of motion.

Pursuant to the supply of an advance copy, Mr.S.S. Deol, DAG, Punjab, has appeared and accepted notice on behalf of respondent-State.

Learned State counsel does not dispute the fact that the role of the petitioner would be at par with the other accused to whom similar concession of pre-arrest bail has already been granted by this Court.

List on 22.03.2022 for further consideration.

To be heard along with CRM-M-50383 of 2021; CRM-M51048 of 2021; CRM-M-51050 of 2021; CRM-M-51800 of 2021, CRM-M52014 of 2021; CRM-M-52402 of 2021.

In the meanwhile, the petitioner is directed to join investigation as and when so required by the Investigating Agency. In the event of petitioner joining investigation, he shall be admitted to interim bail by the arresting officer/investigating officer on furnishing of bail bonds by him to the satisfaction of the arresting officer/investigating officer. The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C. ”

Learned counsel for the petitioner has stated that in compliance of the above order, the petitioner associated himself in the investigation and cooperated during interrogation.

Learned State counsel, who is instructed by ASI Jasvir Singh states that indeed the petitioner has joined the investigation and is not required for custodial interrogation for the time being.

Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 03.01.2022 is made absolute.

04.04.2022
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned Yes No

Whether reportable Yes No