

CRM-M-9639-2023

2023:PHHC:086270

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(211)

CRM-M-9639-2023

Date of Decision : July 11, 2023

Love

.. Petitioner

Versus

State of Punjab

.. Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: None for the petitioner.

Mr. Jaswinder Singh Arora, DAG, Punjab.

HARSIMRAN SINGH SETHI J. (ORAL)

1. The petitioner is seeking anticipatory bail in FIR No. 9 dated 09.01.2023 registered under Section 21 of the NDPS Act, 1985 at Police Station Special Task Force, Phase-4, District STF Wing.

2. The Coordinate Bench of this Court passed the following order on 24.02.2023 :-

“This is a petition under Section 438 Cr.P.C., seeking anticipatory bail to the petitioner in FIR No.9, dated 09.01.2023 (Annexure P-1), under Section 21 of the NDPS Act, 1985, registered at Police Station Special Task Force, Phase-4, District STF Wing.

Learned counsel for the petitioner contends that the petitioner was arrayed in the list of accused along with co-accused Vijay Kumar, merely on the basis of secret information. He further contends that co-accused Vijay Kumar

was arrested at the spot but the petitioner was not arrested therefrom and nothing has been recovered from his possession.

Notice of motion.

On the asking of Court, Mr. Rajiv Verma, DAG, Punjab accepts notice on behalf of the respondent-State, who on instructions from ASI Balkar Singh submits that the co-accused Vijay Kumar and the petitioner are indulged in illicit drug trade, which is causing havoc within the State of Punjab, wherein stern actions are being taken and the petitioner may not be released on anticipatory bail as it may create an obstacle in the progress of investigation.

Looking into the totality of facts and circumstances and also the fact that the co-accused Vijay Kumar has already been granted the concession of regular bail, from whom the recovery of contraband i.e., 110 gram of heroin was recovered, which is non-commercial in nature, therefore, the petitioner is directed to be released on interim bail subject to the satisfaction of Arresting Officer/Investigating Officer, on his joining investigation as and when called for and cooperate in investigation and also shall abide by the conditions as envisaged under Section 438 (2) Cr.P.C.

Adjourned to 11.07.2023.”

3. Learned State counsel, on instructions from ASI Gurmit Singh, states that in terms of the order dated 24.02.2023 of the Coordinate Bench of this Court reproduced hereinbefore, the petitioner has joined the investigation and no further interrogation of the petitioner is required at this stage.

4. In view of the above, the order dated 24.02.2023 granting interim bail to the petitioner is made absolute.

5. However, the petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C. He shall also join and cooperate in the

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investigation as and when called upon to do so.

6. In case at any given point of time hereinafter, it is felt by the investigating agency that petitioner is required for the investigation but is not cooperating, they will be at liberty to approach this Court for passing appropriate orders.

7. The present petition stands allowed.

July 11, 2023

harsha

(HARSIMRAN SINGH SETHI)

JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No