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2023:PHHC:086432

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-22203-2023

Date of decision :12.07.2023

MANPREET SINGH @ MANN

... Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Sandeep Sharma, Advocate
for the petitioner(s).

Mr. Kirat Singh Sidhu, DAG, Punjab.

JASJIT SINGH BEDI, J. (ORAL)

The petitioner seeks grant of anticipatory bail under Section 438 Cr.P.C in case bearing FIR No.259 dated 25.10.2022 registered under Sections 21, 23 of NDPS Act and Sections 10, 11, 12 of Air Craft Act, 1934 (Sections 25, 27A, 29, 61 of NDPS Act added later on) at Police Station Chheharta, District Amritsar.

On 09.05.2023, the following order was passed:-

“Instant petition has been filed under Section 438 Cr.P.C. praying for grant of anticipatory bail to the petitioner in case FIR No.259, dated 25.10.2022, under Sections 21, 23 of NDPS Act and Sections 10, 11, 12 of Air Craft Act, 1934, (Section 25, 27A, 29, 61 of NDPS Act added later on), registered at Police Station Chheharta, District Amritsar.

It has been contended by counsel for the petitioner that the alleged recovery from the petitioner and the co-accused was 25 grams of heroin and he was granted regular bail by the learned Special Court vide order dated 01.12.2022. He has submitted that at the time of registration of FIR, the offences were under Sections 21, 23 of the NDPS Act and Sections 10, 11, and 12 of the Air Craft Act, however, after having been granted regular bail, the Investigating Agency after due deliberations at the time

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of filing the challan added Sections 25, 27A, 29 and 61 of the NDPS Act. He has submitted that petitioner had never misused the concession of regular bail granted to him and he has no criminal antecedents and hence he deserves to be granted anticipatory bail for the newly added Sections. He further submits that co-accused of the petitioner has already been granted relief by this Court vide order dated 21.03.2023 passed in CRM-M-14394- 2023 and the same is pending for 12.07.2023.

Issue notice of motion.

On asking of the Court, Mr.Sandeep Kumar, DAG, Punjab, who is present in Court, accepts notice on behalf of the respondent-State.

List on 12.07.2023.

In the meanwhile, petitioner is directed to appear before the concerned Court within a period of seven days from today and if he does so and files an application for bail, the Court concerned is directed to grant him interim bail to its satisfaction subject to his complying with the conditions as envisaged under Section 438(2) Cr.P.C.”

The learned counsel for the petitioner submits that in deference to the aforementioned order, the petitioner has appeared before the Court and has since been granted interim bail. The said fact has not been denied by the counsel for the State.

In view of aforesaid factual position, the interim order dated 09.05.2023 is made absolute. However, the petitioner shall keep appearing before the Trial Court as and when required to do so and he shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

12.07.2023
JITESH

Whether speaking/reasoned:- Yes/No
Whether reportable:- Yes/No