

201 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Neutral Citation No. 2023:PHHC:109854
CRM-M-27620-2023

Date of Decision: August 23, 2023

Sumit Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Ms. Ramandeep Kaur Suhag, Advocate for the petitioner.

Mr. R.S. Khaira, DAG, Punjab.

DEEPAK GUPTA, J.(Oral)

On 30.05.2023, the following order was passed by this

Court:-

“The prayer in the present petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in case bearing FIR No.63 dated 23.04.2023, under Section 21, 25, 61, 85 NDPS Act, registered at police station Sadar Jagraon, District Ludhiana.

Learned counsel for the petitioner submits that the petitioner has been nominated in this case without any reason. As per version of the prosecution, police registered the FIR on the basis of secret information. As per allegations, the petitioner and co-accused were coming on the car and they were manning a naqa and stopped the car. He submits that the coaccused was arrested and 107 grams of heroin was allegedly recovered from him. As per version of the police, the petitioner ran away from the spot. It is then contended that no person could ran away in presence of the police.

Notice of motion.

On the asking of the Court, Ms. Himani Arora, AAG, Punjab, accepts, notice on behalf of respondent-State. A copy of the paper book be supplied to her during the course of the day.

In the meantime, petitioner is directed to appear before the SHO/Investigating Officer as and when called to join investigation and in the event of him arrest, he shall be released on bail on his furnishing bail bonds to the satisfaction of SHO/Investigating Agency, subject to the following conditions as envisaged under Section 438(2) Cr.P.C.:-

(i) that the petitioner shall make himself available for interrogation before the investigating officer as and when

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required;

(ii) that the petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) that the petitioner shall not leave the country without prior permission of the Court concerned.

List on 23.08.2023.

Status report, if any, be filed well in time with advance copy to counsel opposite.”

Today, status report by way of affidavit of Shri Satvinder Singh Virk, DSP Jagraon, District Ludhiana (Rural) on behalf of respondent-State has been filed, as per which the petitioner has already joined the investigation.

Learned State counsel, on instructions from SI Kamaldeep Kaur, concedes that the petitioner is not involved in any other case. Although the bail petition is opposed on the ground that the petitioner did not produce the car in which he allegedly run away from the spot, but learned State counsel concedes that there is no reference of any car number in the FIR.

In view of the aforesaid circumstances, without commenting anything on the merits of the case, the order dated 30.05.2023, whereby the petitioner was granted interim anticipatory bail, is hereby made absolute. However, he shall continue to join investigation, if and so required by the Investigating Officer.

Disposed of.

August 23, 2023

sarita

(DEEPAK GUPTA)
JUDGE

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