

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRM-M-30756-2022****Date of Decision: February 06, 2023****VAIBHAV SAINI**

..... Petitioner

Versus

STATE OF PUNJAB

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. M.J.S. Bedi, Advocate
for Mr. Bhanu Pratap Singh, Advocate
for the petitioner.

Mr. Tarun Aggarwal, Sr. DAG, Punjab.

HARKESH MANUJA, J. (ORAL)

Prayer made in the present petition is for grant of anticipatory bail in case FIR No.101 dated 01.07.2022 registered under Sections 22, 29/61/85 of NDPS Act, Police Station Sadar, District Hoshiarpur.

On 18.07.2022, this Court passed the following order:-

“Through this petition, the petitioner seeks anticipatory bail in case bearing FIR No.101 dated 01.07.2022, registered at Police Station Sadar, District Hoshiarpur, under Sections 22 and 29 NDPS Act, 1985. Learned counsel for the petitioner contends that the petitioner was not named in the FIR and rather has been indicted in the present case on the disclosure statement of co-accused, Naresh Kumar @ Kala, who was arrested at the spot and recovery of 98 gram intoxicant powder had been effected from him (co-accused), and that there is no other case registered or pending against the petitioner, at least of a similar nature. Notice of motion for 01.11.2022. Meanwhile, the petitioner is directed to join investigation and if he is sought to be arrested, he shall be released on interim bail to the satisfaction of Investigating Officer/Arresting Officer, subject to the conditions as envisaged in Section 438 (2) Cr.P.C. However, anticipatory bail, granted while exercising the judicial discretion, should not operate as an inroad into the statutory investigational power of the police.”

Learned State counsel, Mr. Tarun Aggarwal, Sr. DAG, Punjab, on instructions from ASI Rajkumar Singh, submits that the petitioner has joined the investigation.

Learned counsel for the petitioner submits that there is no other case pending against the petitioner of similar nature. He further submits that final report in the present case has not been submitted to the Court since the FSL Report is still awaited.

Considering the aforesaid facts wherein the petitioner was named by co-accused during interrogation and he has already joined the investigation and even the report of FSL is still awaited, further there is no other case pending against the petitioner of similar nature, order dated 18.07.2022 is made absolute.

Disposed of accordingly.

06.02.2023
tejwinder

(**HARKESH MANUJA**)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>