

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(205)

CRM-M-54713-2022

Date of decision: - 11.01.2023

Manjit Singh

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Ms. Saksham Dudeja, Advocate, for the petitioner.

Mr. Ferry Sofat, Additional Advocate General, Punjab.

VIKAS BAHL, J. (ORAL)

This is the second petition under Section 438 of Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.194 dated 19.11.2021, registered under Sections 22/25 of the Narcotic Drugs & Psychotropic Substances Act, 1985, at Police Station Sidhwan Bet, Ludhiana Rural, District Ludhiana.

On 24.11.2022, this Court was pleased to pass the following order:-

“Inter alia contends that in the present case, the petitioner and one Sarabjit Singh were named in the secret information but even as per the case of the prosecution after the said information was received the police picket was laid at the disclosed place and only Sarabjit Singh was found there and the recovery had been effected from Sarabjit Singh. It is submitted that neither the petitioner has been found at the spot, nor any recovery has been effected from the present

petitioner and thus, the present petitioner has been implicated solely on the basis of that name has been mentioned in the secret information. Learned counsel for the petitioner has submitted that this is a second anticipatory bail petition as the first anticipatory bail petition was withdrawn on 21.11.2022 with liberty to file a fresh petition after removing the inadvertent errors.

Notice of motion for 11.01.2023.

In the meantime, in the event of arrest, the petitioner is ordered to be released on interim bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting / Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C..

November 24, 2022

(VIKAS BAHL)
JUDGE"

Learned counsel for the petitioner has submitted that in pursuance of the above-said order, the petitioner has joined the investigation.

Learned State counsel, on instructions from ASI Zorawar Singh, has submitted that the petitioner has joined the investigation and is not required for further investigation.

Keeping in view the abovesaid facts and circumstances more so, the facts which have been noticed in abovesaid order dated 24.11.2022 and also the fact that the petitioner has joined the investigation and is not required for further custodial interrogation, the present petition is allowed and the interim order dated 24.11.2022 is ordered to be made absolute.

However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

January 11, 2023
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No