

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M-54926-2022 (O&M)
Date of decision : 02.08.2023**

Vishal Hastir @ Hasteer

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. S.P.S. Sandhu & Mr. P.B.S.Goraya, Advocates
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab for the respondent.

MAHABIR SINGH SINDHU, J.

Present petition under Section 438 of the Code of Criminal Procedure has been filed for grant of pre-arrest bail to the petitioner in FIR No.61 dated 01.07.2022, under Sections 22, 61, 85 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Verka, District Police Commissionerate Amritsar.

(2) Allegations are that petitioner was found in possession of 815 loose unlabeled intoxicant tablets without any license.

(3) The Coordinate Bench, vide order dated 24.11.2022, granted interim bail to petitioner and the same reads as under:-

“Through the instant petition, the petitioner seeks anticipatory bail in case bearing FIR No.61 dated 01.07.2022, registered under Section 22 of the NDPS Act, at Police Station Verka, District Police Commissionerate, Amritsar.

Learned counsel for the petitioner submits that vide order dated 09.09.2022, the learned Judge, Special Court, Amritsar, has granted interim bail to the petitioner till the receipt of the Chemical Examiner report; that, though FSL report dated 02.09.2022 has now been received, yet the petitioner has not surrendered till date, and thus the present petition seeking anticipatory bail and that, as per the FSL report, the recovery effected from the petitioner is marginally above the commercial quantity. He further submits that there is no other case registered and/or pending against the petitioner.

Notice of motion.

On the asking of this Court, Mr. Harkanwar Jeet Singh, AAG, Punjab, accepts notice on behalf of the respondent-State.

Adjourned to 29.03.2023.

Meanwhile, the petitioner is directed to join the 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) of the 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.”

(4) Learned counsel submits that in pursuance of the aforesaid order, petitioner has already joined the investigation and his custodial interrogation is not required.

(5) Learned State Counsel, on instructions, submits that petitioner has joined investigation and as on today, his custodial interrogation is not required.

- (6) In view of above, interim order dated 24.11.2022 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.
- (7) It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.
- (8) The above observations may not be construed as an expression of opinion on merits of the case; rather confined only to decide the present bail matter.
- (9) Disposed off accordingly.

August 2nd, 2023
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No