



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

207

CRM-M-44014-2023

Date of decision: 13.05.2024

Ankush

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. P.S. Ahluwalia, Advocate,
Mr. H.S. Randhawa, Advocate and
Mr. Jaivir Singh, Advocate
for the petitioner.

Mr. Navdeep Singh, DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of anticipatory bail under Section 438 of the Cr.P.C. in case FIR No.63 dated 12.04.2023 under Sections 18-61-85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act'), Sections 61-1-14 of the Punjab Excise Act, 1914 (Sections 353, 186, 427 and 307 of the IPC added lateron) registered at Police Station City Phagwara, District Kapurthala.

2. Status report by way of affidavit of Jaspreet Singhs, PPS, Deputy Superintendent of Police, Sub Division Phagwara, Kapurthala has been filed in the Court today which is taken on record subject to all just exceptions. A copy of the same has been supplied to the counsel opposite.



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3. On 30.11.2023, while noticing the following submissions made by the learned counsel for the petitioner, this Court had granted the concession of interim bail to the petitioner and asked him to join investigation:-

“Learned counsel for the petitioner inter alia contends that he has been falsely implicated in the instant case for allegedly been found in possession of 73 boxes of illicit liquor. While drawing the attention of this Court to the FIR, which has been annexed as Annexure P-1, it has been further submitted that initially the FIR was registered under the NDPS Act as well as under the Punjab Excise Act, 1914 and subsequently, offences under Sections 353, 186, 427, 307 of the IPC were added; a bare perusal of the FIR, however, reveals that no offence under the NDPS Act is made out as admittedly no contraband was recovered from the vehicle of the petitioner and as far as an offence under the Punjab Excise Act is concerned, the same is bailable. It has also been submitted that as per the version of the prosecution, the petitioner had allegedly rammed his vehicle into the barricades installed by the police with an intention to kill them, however, it was a matter of record that not even a single injury was received by any of the police officials, who were present there. While drawing the attention of this Court to Annexures P-4 to P-6, learned counsel has further submitted that false implication of the petitioner in the case in hand finds credence from the fact that he had also moved an application seeking preservation of CCTV footage of the Toll Plazas which was allowed by the learned Additional Sessions Judge, Kapurthala vide order dated 27.04.2023, however, despite an express direction given by the trial Court to preserve the CCTV footage of the alleged place of occurrence, the investigating agency had failed to do so and on some pretext or the other, had been, for reasons but obvious, suppressing the same from the Court.”

4. Learned counsel for the petitioner submits that in compliance of order dated 30.11.2023, the petitioner has joined investigation and cooperated with the investigating agency.

5. Learned State counsel, on instructions from ASI Hardeep



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Singh, has not disputed that the offences under the NDPS Act stands deleted against the petitioner. He, on further instructions, does not dispute the factum of the petitioner having joined investigation and cooperated with the investigating agency. He, on further instructions, submits that the petitioner is not required for further investigation much less for his custodial interrogation.

6. In view of the above, the petition is allowed and interim order dated 30.11.2023, is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C. Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

13.05.2024

(MANJARI NEHRU KAUL)

Vinay

JUDGE

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