

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

206

CRM-M-58273-2023

Date of decision: 13.02.2024

MONU

....Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Piyush Sharma, Advocate
for the petitioner.

Mr. Raghav Garg, AAG, Punjab.

KULDEEP TIWARI. J.(Oral)

On the last date of hearing i.e on 20.11.2023, the following order was
passed:-

"Through this petition, filed under Section 438 Cr.P.C., relief of anticipatory bail has been sought in case FIR No.407 dated 06.10.2023, under Sections 21 of Narcotic Drugs and Psychotropic Substances Act, 1985 (Section 29 of Narcotic Drugs and Psychotropic Substances Act added later on) registered at Police Station City Ferozepur.

The gist of the allegation which is against the petitioner is that the co-accused namely Sunil son of Badal, was arrested by the investigating agency, carrying 105 grams of heroin. During investigation, he disclosed the source of purchase of the aforesaid contrabands from the present petitioner.

Learned counsel for the petitioner submits that the petitioner is not involved in any other criminal case. Learned counsel for the petitioner further submits that, except the disclosure statement of co-accused, there is no other evidence to link the petitioner with the

crime, no other incriminating evidence as on date is with the prosecution agency against the petitioner. Learned counsel for the petitioner also submits that the recovery of the contrabands from the co-accused is of non-commercial quantity, which does not attract the rigorous of Section 37 of the NDPS Act. Learned counsel for the petitioner submits that the main accused has already been enlarged on regular bail by the trial Court, vide order dated 16.11.2023. Learned counsel for the petitioner further submits that the petitioner is ready and willing to join the investigation before the investigating agency.

Notice of motion for 13.02.2024.

Mr. Karunesh Kaushal, AAG, Punjab, waives service of notice on behalf of the respondent-State.

In the meantime, the petitioner is directed to join the investigation and to appear before the investigating agency as and when called upon to do so. In the event of his arrest, he shall be admitted to interim bail on his furnishing bail bond to the satisfaction of the Arresting/Investigating Officer. The petitioner shall abide by the terms and conditions as envisaged under Section 438(2) Cr.P.C."

Learned counsel for the petitioner submits that in pursuance of the order dated 20.11.2023, the petitioner had joined the investigation.

Learned State counsel, on instructions from the official respondent, submits that the petitioner had joined the investigation and he is not required for any further custodial interrogation.

In view of the statement made by learned State counsel, the interim order dated 20.11.2023, is hereby made absolute.

13.02.2024
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(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No