

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

***CRM No.M-44445 of 2015 (O&M)  
Date of Decision: 14.01.2016***

Daljit Singh @ Raju

... Petitioner

Versus

State of Punjab

... Respondent

***2.CRM No.M-38409 of 2015 (O&M)***

*Gurdeep Singh @ Gippan*

... Petitioner

Versus

State of Punjab

... Respondent

**CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.**

Present:- Mr. Saurabh Arora, Advocate for the petitioner(s).

Mr. R.S. Randhawa, Additional Advocate General, Punjab.

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**TEJINDER SINGH DHINDSA.J.**

This order shall dispose of CRM No.M-44445 of 2015 and CRM No.M-38409 of 2015 as petitioners in these two connected petitions are seeking concession of pre-arrest bail pertaining to FIR No.152 dated 02.08.2015, under Section 21 of the NDPS Act, registered at Police Station Sadar Fazilka, District Fazilka.

While issuing notice of motion on 09.11.2015, the following order was passed by this Court in CRM No.M-38409 of 2015:

*“Heard.*

*Learned counsel for the petitioner submits that the FIR was registered on the basis of secret information but the recovery of heroin being 300 grams was effected from Malkit Singh and Jarmal Singh. The petitioner was neither at the spot nor there is any evidence involving him with the recovery*

*effected from the aforesaid persons.*

*Notice of motion for 14.01.2016.*

*In the meanwhile, the petitioner is directed to surrender before the police and join investigation within two days.*

*In the event of his arrest being required, he shall be released on interim bail till the next date, subject to his furnishing bonds to the satisfaction of Arresting Officer. However, he shall abide by the terms and conditions as envisaged under Section 438(2)(i) to (iv) Cr.P.C. failing which he shall lose the benefit of interim bail allowed to him.”*

Likewise, notice of motion order dated 30.12.2015 passed in CRM No.M-44445 of 2015 reads in the following terms:

*“Contends that no recovery was effected from the petitioner. Further relies on the order passed in the case of co-accused in CRMM-38409 of 2015.*

*Notice of motion for 14.1.2016.*

*In the meantime, the arrest of the petitioner shall remain stayed subject to the following conditions :-*

- i) He will make himself available for investigation as and when required to do so.*
- ii) He will not leave the country without the prior permission of the Court.*
- iii) He will not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police official.*

*List along with CRN-M-38409 of 2015.”*

Learned State counsel upon instructions from HC Jaswant Singh would apprise the Court that both the petitioners in these connected petitions have since joined investigation.

Learned State counsel would, however, oppose the present petitions by contending that the name of both the petitioners had found a

mention in the secret information furnished by the police authorities. Be that as it may, it has not been controverted that the petitioners were neither at the spot and as such no recovery has been effected from their person.

As per prosecution version, a recovery of 300 grams heroin was effected from Malkit Singh and Jarmal Singh i.e. non-petitioners.

It is further submitted that the petitioners are not involved in any other proceedings under the NDPS Act.

In view of the above, the present petitions are allowed. Order dated 30.12.2015 passed in CRM No.M-44445 of 2015 and order dated 09.11.2015 passed in CRM No.M-38409 of 2015 are made absolute.

Disposed of.

**14.01.2016**

*harjeet*

**(TEJINDER SINGH DHINDSA)  
JUDGE**