

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

***CRM No.M-8567 of 2016 (O&M)
Date of decision : 02.06.2016***

Tona Singh

... Petitioner

Vs.

State of Punjab

... Respondent

2. CRM No.M-8730 of 2016 (O&M)

Baljit Singh @ Babbu

... Petitioner

Vs.

State of Punjab

... Respondent

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

Present: Mr. L.S. Sekhon, Advocate for the petitioner(s).

Mr. D.S. Virk, AAG, Punjab.

...

TEJINDER SINGH DHINDSA, J.

This order shall dispose of CRM No.M-8567 of 2016 titled as Tona Singh versus State of Punjab and CRM No.M-8730 of 2016 titled as Baljit Singh @ Babbu versus State of Punjab as both these connected petitions filed under Section 438 Cr.P.C. seeking concession of pre-arrest bail to the petitioners herein in case FIR No.11 dated 29.01.2016, under Section 15 of the NDPS Act, registered at Police Station Sherpur, District Sangrur.

While issuing notice of motion in CRM No.M-8567 of 2016, the following order was passed by this Court on 11.03.2016:

“Petitioner seeks concession of pre-arrest bail in case FIR No.11 dated 29.01.2016, under Section 15 of Narcotic Drugs and Psychotropic Substances Act, (for short 'NDPS Act'), registered at Police Station Sherpur, District Sangrur.

As per prosecution version during the course of regular patrolling on 29.01.2016 at 11:00 p.m. a car was signalled to

stop. The car driver and a young person sitting adjacent to him are stated to have been run away towards the fields. As per prosecution version, they were identified in the light of flash light. The present petitioner was stated to be the driver of the car. Further more upon checking up the car, two ladies were found sitting on the rear seat and a plastic bag was recovered containing 15 kgs. of poppy husk.

Counsel would argue that the allegations on the face of it are improbable. The present petitioner is not even stated to be the owner of the car i.e. bearing registration No.PB-11-C-7770. Even two ladies who were apprehended on the spot have not named the petitioner in their disclosure statements. It is also the categorical submission of the counsel that the petitioner is not involved in any other case under the NDPS Act. Even the alleged recovery is stated to be non-commercial in nature.

Notice of motion, returnable for 02.06.2016.

In the meanwhile, petitioner is directed to appear before the Investigating Officer and to join investigation.

In the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting/Investigating Officer. The petitioner shall join investigation as and when called upon to do so and he shall remain bound by the conditions envisaged under Section 438 (2) Cr.P.C.”

Likewise, the notice of motion order dated 14.03.2016 in CRM No.M-8730 of 2016 passed by this Court is in the following terms:

“Counsel would place reliance upon order dated 11.03.2016 passed by this Court in CRM No.M-8567 of 2016 to contend that co-accused Tona Singh and against whom there were similar allegations has been granted ad interim protection as regards arrest.

Notice of motion, returnable on 02.06.2016.

To be listed along with CRM No.M-8567 of 2016.

In the meanwhile, petitioner is directed to appear before

the Investigating Officer and to join investigation.

In the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting/Investigating Officer. The petitioner shall join investigation as and when called upon to do so and he shall remain bound by the conditions envisaged under Section 438 (2) Cr.P.C.”

Learned State counsel upon instructions from ASI Nirmal Singh informs the Court that the petitioners in these two connected petitions have already joined investigation and their custodial interrogation would not be warranted.

Petitions are allowed. Orders dated 11.03.2016 in CRM No.M-8567 of 2016 and 14.03.2016 in CRM No.M-8730 of 2016 passed by this Court are made absolute.

Disposed of.

02.06.2016

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**