

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

CRM No. M-4161-2017 (O&M)

Date of Decision: 10.05.2017.

Harprit Singh Bahad

--Petitioner

Versus

State of Punjab

--Respondent

AND

2.

CRM-M-7733-2017 (O&M)

Pupinder Singh @ Bhupinder Singh

--Petitioner

Versus

State of Punjab

--Respondent

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

Present:- Mr. Vipul Jindal, Advocate for the petitioner(s).

Ms. Simsi Dhir Malhotra, DAG, Punjab.

TEJINDER SINGH DHINDSA, J.

This order shall dispose of CRM-M-4161-2017 (Harprit Singh Bahad Vs. State of Punjab) and CRM-M-7733-2017 (Pupinder Singh @ Bhupinder Singh Vs. State of Punjab) as both these petitions have been preferred under Section 438 Cr.P.C. seeking concession of anticipatory bail to the petitioners in case FIR No. 02 dated 03.01.2017 under Sections 21, 25, 29 of NDPS Act, 1985, registered at Police Station SSOC, Amritsar, Punjab.

On 17.02.2017, following order was passed by this Court in CRM-M-4161-2017:-

“Petitioner seeks concession of pre-arrest bail in case FIR No.02 dated 03.01.2017, under Section 21/25/29 of

the NDPS Act, registered at Police Station SSOC, Amritsar.

As per prosecution version, the alleged recovery effected from two other accused Twinklejit Singh @ Rinku and Sukhwinder Singh @ Bittu is of 500 grams of heroin each. The petitioner was not present on the spot and as such no recovery has been effected from him. Petitioner is sought to be implicated on the basis of disclosure statements of the co-accused.

Counsel submits that it is a case of false implication. In support of such contention, it is contended that on a previous occasion also, the petitioner was involved in a case under the NDPS Act in which the petitioner has been acquitted and this Court in CRA-S-3308-SB-2014 decided on 19.08.2015 had recorded adverse observations against the police officials concerned to including Inspector Harwinderpal Singh. It is contended that even in the present FIR, Inspector Harwinderpal Singh is the SHO of the Police Station concerned.

List on 10.05.2017.

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 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 following order was passed on 17.03.2017 in

CRM-M-7733-2017:-

“During the course of arguments today, the contentions raised on behalf of the petitioner in the order dated 08.03.2017 passed by this Court have gone un rebutted. Co-accused Harprit Singh Bahad has been granted interim

protection by this Court in the light of order dated 17.02.2017 passed in **CRM-M-4161 of 2017**.

List on 10.05.2017 along with **CRM-M-4161 of 2017**.

In the meanwhile, petitioner is directed to join investigation.

In the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting Officer/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 Cr.P.C.”

Learned State counsel, upon instructions from ASI Binderal Singh, Police Station SSOC, Amritsar, has apprised the Court that both the petitioners in these connected petitions have since joined investigation. The observation made by this Court in the orders reproduced here-in-above have gone un-rebutted.

Without making any observation on merit, the prayers made in these two petitions are accepted. Order dated 17.02.2017 passed in CRM-M-4161-2017 and order dated 17.03.2017 passed in CRM-M-7733-2017 are made absolute.

Petitions disposed of.

10.05.2017

Divyanshi

**(TEJINDER SINGH DHINDSA)
JUDGE**

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