

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

**CRM-M No.1903 of 2018  
Decided on: 29.05.2018**

|                 |        |                |
|-----------------|--------|----------------|
| Dilbagh Singh   | Versus | ....Petitioner |
| State of Punjab |        | ....Respondent |

**CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN**

**Present :** Mr. J.S. Dhaliwal, Advocate for the petitioner.

Mr. Abhay Pal Singh Gill, AAG, Punjab.

**ARVIND SINGH SANGWAN, J. (Oral)**

The petitioner prays for grant of anticipatory bail in FIR No.138 dated 03.10.2017 registered under Section 21 of the NDPS Act at Police Station Kamboj, Amritsar Rural.

The petitioner was granted interim anticipatory bail vide order dated 24.01.2018 by this Court, by passing the following order:-

*“Prayer in this petition is for grant of anticipatory bail to the petitioner in FIR No.138 dated 03.10.2017 under Section 21 of NDPS Act, registered at Police Station Kamboj, Amritsar Rural.*

*Counsel for the petitioner submits that date of birth of the petitioner is 15.08.1998, he is aged about 19 years and is not involved in any other case. Counsel for the petitioner has relied upon the matric certificate, birth certificate and Aadhar Card, copies thereof are taken on record as MarkA (colly.). Counsel for the petitioner also submits that as per the allegations in the FIR, recovery was made from two co-accused namely Balkar Singh @ Toor and Malkit Singh and the recovery was from the head gear (turban of 2 persons) and the petitioner was not apprehended at the spot, whereas two other persons along with driver were arrested. It is further submitted that since*

*the petitioner was not arrested at the spot, it will be a debatable issue whether the petitioner was found in concise possession of the recovered contraband or not. Counsel for the petitioner has further submitted that co-accused Malkit Singh @ Mitta, who was driver of the vehicle, was arrested at the spot and has been granted the concession of interim bail till receiving the report of FSL, vide order dated 15.01.2018 passed in CRM-M-493-2018.*

*In reply, learned State counsel, on instructions from ASI Rajbir Singh, has opposed the prayer for bail on the ground that the petitioner was one of the occupant of the car and on seeing the police party, he ran away from the spot. However, it is not disputed that the petitioner is not involved in any other case. It is also not disputed that till date, FSL report is not received.*

*Without commenting on merits of the case at this stage, considering the fact that the petitioner was not apprehended at the spot and report of FSL is still awaited, the petitioner is directed to appear before the Investigating Officer on 02.02.2018 at 10.00 AM to join the investigation or any other date as fixed by the Investigating Officer and he shall be released on interim bail on his furnishing bail/surety bonds subject to the following conditions:-*

*1. He shall make himself available for interrogation by a police officer as and when required;*

*2. He shall 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 officer; and*

*3. He shall not leave India without previous permission of the Court. List again on 29.05.2018.”*

Counsel for the petitioner submits that the petitioner, in

pursuance to the order dated 24.01.2018, has already appeared before the Investigating Officer and has joined the investigation.

Counsel for the State, on instructions from ASI Shish Pal, has not disputed the factual position and submits that neither any recovery was effected from the petitioner nor he was apprehended at the spot and the petitioner has joined the investigation and is no more required for any further investigation. It is also submitted that the petitioner is not involved in any other case.

Without commenting anything on merits of the case and considering the fact that the petitioner is a young boy aged about 19 years and is not involved in any other case and is student and neither any recovery was effected nor he was arrested at the spot, I am of the opinion that as per the provisions of Section 37 of the NDPS Act, there are reasonable grounds for believing that he is not guilty of such offence.

In view of the above, the petition is allowed and the interim bail granted to the petitioner vide order dated 24.01.2018 is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

(ARVIND SINGH SANGWAN)  
JUDGE

29.05.2018  
*yakub*

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