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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.48484 of 2017

Date of Decision: 15.01.2018

AMRIK SINGH

.....Petitioner

Vs

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Kamaldip Singh Sidhu, Advocate
for the petitioner.

Mr. Sandeep Kumar, D.A.G., Punjab.

RAJ MOHAN SINGH, J.(Oral)

The petitioner seeks grant of anticipatory bail in case bearing FIR No.54 dated 14.07.2017, registered under Section 15 of the NDPS Act (Sections 29, 61, 85 of the NDPS Act added later on) at Police Station Kotwali Nabha, District Patiala.

On 20.12.2017, following order was passed by the co-Ordinate Bench of this Court:-

“The petitioner is seeking anticipatory bail in FIR No.54 dated 14.07.2017 under Section 15 of the NDPS Act (Section 29 of NDPS Act added later on), registered at Police Station Kotwali Nabha, District Patiala.

Learned counsel for the petitioner contends that petitioner is not named in the FIR and has been arraigned as an accused on the disclosure statement of co-accused

Makhan Singh, from whom 300 kgs of poppy husk was recovered. He also contends that petitioner is not involved in any other case.

Issue notice to the respondent.

At the asking of Court, Mr. Kanisth Ganeriwala, Assistant Advocate General, Punjab, accepts notice on behalf of the respondent. A complete set of paper-book be supplied to him during the course of day.

List on 15.01.2018.

The arrest of petitioner shall remain stayed till the next date of hearing.”

Learned counsel for the petitioner submitted that challan has already been presented against Makhan Singh. Petitioner was nominated in his disclosure statement and from the said Makhan Singh, 300 kgs. of poppy husk was allegedly recovered.

Learned counsel further submitted that the petitioner is not involved in any other similar case. Arrest of the petitioner was stayed on 20.12.2017.

Learned State counsel on instructions from ASI Mewa Singh submitted that the statement of co-accused was made in terms of Section 27 of the Evidence Act, therefore, the same is lawful to nominate the petitioner as co-accused.

Looking to the aforesaid circumstances, I am of the

view that the petitioner has made out a case for the grant of anticipatory bail. The petition is allowed. Petitioner is directed to appear before the SHO/Investigating Officer to join investigation on 19.01.2018 and in the event of his arrest, he shall be released on bail on his furnishing bail bonds to the satisfaction of SHO/Investigating Agency subject to the following conditions as envisaged under Section 438(2) Cr.P.C:-

- i) that the petitioner shall make himself available for interrogation before the Investigating Officer as and when required;
- ii) that the petitioner 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;
- iii) that the petitioner shall not leave the country, without prior permission of the Court and shall surrender his passport, if any.

January 15, 2018

Atik

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No