

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M- 19762-2019

Date of decision: 21.05.2019

Ajaib Singh and another

... Petitioners

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. C.M. Munjal, Advocate
for the petitioners.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of anticipatory bail in FIR No.9 dated 29.03.2018 under Sections 21/23/29/61/85 of NDPS Act and Section 30 of NDPS Act (added later on), registered at Police Station State Special Operation Cell, Fazilka, District Fazilka.

While granting interim bail to the petitioners, following order was passed by this Court on 02.05.2019: -

“Learned counsel for the petitioners submits that the petitioners were not named in the FIR and their names were surfaced only in the disclosure statement of co-accused and relies upon the order dated 15.10.2018 passed in CRM-M-22407-2018, wherein the following order was passed: -

“This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the

petitioners in case FIR No. 9 dated 29.03.2018, under Sections 23, 28, 29, 30 of the NDPS Act (Section 30 of the NDPS Act added and Section 21 of the NDPS Act deleted subsequently), registered at Police Station SSOC, District Fazilka.

Learned counsel for the petitioners submits that FIR in question was registered on the basis of a secret information that the petitioners, along with two other co-accused, namely Bohar Singh and Satpal Singh, are involved in smuggling of narcotic substances and if a raid is conducted, the same can be recovered.

Learned counsel for the petitioners further submits that in fact subsequent to the apprehension of the petitioners, no contraband was recovered from the petitioners and co-accused of the petitioners have already been granted concession of anticipatory bail vide order dated 20.07.2018, passed by this Court in CRM-M-27842-2018.

Learned counsel for the petitioners further submits that on the disclosure of the petitioners, some currency were recovered and the petitioners had no previous record of involvement in any other criminal case.

Learned State counsel, on instructions from ASI Balkaran Singh, has not disputed the factual position and submitted that Section 21 of the NDPS Act has been deleted.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the facts that the petitioners are not involved in any other case; no contraband was recovered from them and also considering the fact that they are in judicial custody since 29.03.2018 and the trial is likely to take a long time, the instant petition is allowed. Petitioners Amarjit Singh and Prabhjit Singh are ordered to be released on

regular bail on their furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.”

Learned counsel for the petitioners submits that in pursuance of the aforesaid order, petitioners have joined the investigation and are not required for any further investigation.

Learned State counsel, on instructions from ASI Jaspal Singh, has not disputed the factual position and states that the petitioners are no more required for any further investigation.

In view of the above, this petition is allowed and the interim bail granted to the petitioners vide order dated 02.05.2019 is made absolute subject to the conditions envisaged under Section 438 (2) Cr.P.C.

[ARVIND SINGH SANGWAN]
JUDGE

21.05.2019
vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No