

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.

(204)

CRM-M-14537-2020

Date of Decision: September 09, 2020

Iqbal Singh @ Pala

.. Petitioner

Versus

State of Punjab

.. Respondent

(Through video conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Arshdeep Singh Brar, Advocate, for the petitioner.

Mr. Sandeep Singh Deol, DAG, Punjab.

HARSIMRAN SINGH SETHI, J.(ORAL)

The petitioner is seeking anticipatory bail in FIR No. 89 dated 07.05.2020 under Sections 15 and 29 of the NDPS Act, 1985 registered at Police Station Dharamkot, District Moga.

Learned counsel for the petitioner contends that the petitioner has joined investigation in terms of order passed by this Court dated 01.07.2020. Order dated 01.07.2020 is as under:-

“The petition has been taken for hearing through video conference due to Covid-19 pandemic.

The present petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail in respect of FIR No.89 dated 07.05.2020 under Sections 15 and 29 of NDPS Act, 1985 registered at Police Station Dharamkot, District Moga.

Learned counsel for the petitioner argues that the co-accused of the petitioner namely Sukhwinder Singh @ Sukha has already been granted the benefit of anticipatory bail by this Court while passing order in CRM-M-13536 of 2020 and as the petitioner is similarly situated as Sukhwinder Singh @ Sukha, he is also entitled for the grant of said benefit.

Notice of motion for 09.09.2020.

Ms. Rashmi Attri, AAG, Punjab, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition accepts notice on behalf of respondent-State.

Learned State counsel concedes that the allegations in the FIR against the petitioner as well as Sukhwinder Singh @ Sukha are similar.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Once, the learned State counsel has conceded that the allegations alleged against the petitioner Iqbal Singh @ Pala and co-accused Sukhwinder Singh @ Sukha are identical, the claim of the petitioner for the grant of anticipatory bail is made out. Learned State counsel has not brought to the notice of this Court any differentiating fact between Sukhwinder Singh @ Sukha and the present petitioner, which would disentitle the petitioner for the grant of benefit of anticipatory bail as extended to Sukhwinder Singh @ Sukha by this Court while passing order in CRM-M-13536 of 2020.

Learned counsel for the petitioner submits that the petitioner is ready to join and cooperate in the investigation. The petitioner is directed to join the investigation forthwith. In the event of his arrest, he shall be released on interim bail to the satisfaction of the Arresting Officer/Investigating Officer on his furnishing bail bonds/surety bonds to the satisfaction of the Arresting Officer/Investigating Officer subject to the following conditions:-

(i) That he shall make himself available for interrogation by the police officer as and when required.

(ii) That 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 the said facts to the Court or to any police officer.

(iii) That he shall not leave India without prior permission of the Court.

(iv) That he shall abide by all the conditions as enshrined under Section 438(2) Cr.P.C.”

Learned State counsel, who has also joined the proceedings through video conference, on instructions from ASI Charanjit Singh, states that in terms of the order of this Court reproduced before, the petitioner has joined the investigation and no further interrogation is required at this stage.

Learned counsel for the petitioner undertakes that petitioner will join investigation and also cooperate with the investigating agency in case he is required for the same in future as well.

In view of the above, the order dated 01.07.2020 granting interim bail to the petitioner is made absolute.

However, the petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C. He shall also join investigation as and when called upon to do so.

In case at any given point of time hereinafter, it is felt by the investigating agency that petitioner is required for the investigation but is not cooperating, they will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

September 09, 2020
harsha/naresh.k

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