

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

**CRM-M-17449-2020 (O&M)
Date of Decision:20.08.2020**

Paramjit Singh

.....Petitioner

Versus

State of Punjab

....Respondent

2.

**CRM-M-21794-2020 (O&M)
Date of Decision:20.08.2020**

Harnek Singh @ Nek Singh

.....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. Ruhani Chadha, Advocate for the petitioner(s)
in both the petitions.

Mr. S.S. Deol, DAG, Punjab.

TEJINDER SINGH DHINDSA J.(Oral)

This case has been taken up through Video Conferencing via Webex facility in the light of Pandemic Covid-19 situation and as per instructions.

This order shall dispose of the **CRM-M-17449-2020 (Paramjit Singh Vs. State of Punjab)** and **CRM-M-21794-2020 (Harnek Singh @ Nek Singh Vs. State of Punjab)** as both these petitions have been preferred under Section 438 Cr.P.C. seeking concession of pre-arrest bail to the petitioner(s) in FIR No.88 dated 07.06.2020 under Sections 15 and 29 of NDPS Act, registered at Police

Station Nahianwala, District Bathinda.

On 13.07.2020 while issuing notice of motion in CRM-M-17449-2020 (Paramjit Singh Vs. State of Punjab), the following order was passed by this Court.-

“This case has been taken up through Video Conferencing via Webex facility in the light of Pandemic Covid-19 situation and as per instructions.

Petitioner seeks concession of pre-arrest bail in FIR No.88 dated 07.06.2020 under Sections 15 and 29 of NDPS Act, registered at Police Station, Nahianwala, District Bathinda.

Counsel for the petitioner submits that the alleged recovery in the present case of 19 quintals of poppy husk was from co-accused Gurmeet Singh son of Darshan Singh and Paramjit Singh son of Rachpal Singh. The present petitioner i.e. Paramjit Singh son of Balvir Singh is sought to be implicated on the disclosure statement of co-accused. Further urged that no recovery was effected from the conscious possession of the petitioner. Perusal of the impugned order dated 25.06.2020 passed by the learned Judge, Special Court, Bathinda at Annexure P-2 would show that the concession of pre-arrest bail has been denied by observing that the present petitioner already stands convicted and sentenced to undergo 10 years rigorous imprisonment in FIR No.130 dated 04.09.2008 under Sections 15/61/85 NDPS Act.

In this regard learned State counsel clarified that such observation is factually incorrect and the present petitioner is not a previous convict for offence under the NDPS Act. However, learned

State counsel upon instructions from SI Harjivan Singh, CIA Staff apprises the Court that the petitioner is involved in one more FIR under the NDPS Act i.e.FIR No.133 dated 19.08.2013 registered at Police Station Dharamkot District Moga wherein the alleged recovery was of 10 quintals and 15 kgs.of poppy husk.

Learned State counsel concedes that the petitioner has been granted concession of bail in such case.

Notice of motion returnable for 20.08.2020.

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 as envisaged under Section 438(2) Cr.P.C. ”

The notice of motion order dated 06.08.2020 in CRM-M-21794-2020 (Harnek Singh @ Nek Singh Vs. State of Punjab) reads as under:-

“Matter has been taken up through Video Conferencing via Webex facility in the light of the Pandemic Covid-19 situation and as per instructions.

Petitioner seeks anticipatory bail in case FIR No.88, dated 07.06.2020, under Section 15 of the NDPS Act (Section 29 of the NDPS Act added later on), registered at Police Station Nahianwala, District Bathinda.

Counsel for the petitioner submits that the alleged recovery in the present case of 19 quintals of poppy husk was from

co-accused Gurmeet Singh S/o Darshan Singh and Paramjit Singh S/o Rachpal Singh. Present petitioner is sought to be implicated on the disclosure statement of co-accused. Further urged that no recovery was effected from the conscious possession of the petitioner. Reliance has also been placed upon order dated 13.07.2020 passed by this Court in CRM-M-17449-2020 in terms of which co-accused, Paramjit Singh S/o Balvir Singh has been granted interim protection.

Yet another submission made by counsel is that the petitioner is not involved in any other case under the NDPS Act.

Notice of motion, returnable for 20.08.2020.

To be listed along with CRM-M-17449-2020.

In the meanwhile, petitioner is directed to appear before Investigating Officer and to join investigation.

In the event of arrest, the petitioner shall be released on interim bail subject to the 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.”

Learned State counsel upon instructions from SI Harjivan Singh informs the Court that both the petitioners have since joined investigation and are not required for any custodial interrogation.

In view of the above both the petitions are allowed. Orders dated 13.07.2020 in **CRM-M-17449 of 2020 (Paramjit Singh Vs. State of Punjab)** and **06.08.2020 in CRM-M-21794 of 2020 (Harnek Singh @ Nek Singh Vs. State of Punjab)** passed by this Court are made absolute.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

August 20, 2020

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