

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

CRM-M-20287-2020 (O&M)

Date of Decision:14.09.2020

Gursewak Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Jasdeep Singh, Advocate for the petitioner.

Mr. A.S. Sandhu, Additional Advocate General, Punjab.

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TEJINDER SINGH DHINDSA, J. (ORAL).

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

This order shall dispose of the instant petition filed under Section 438 Cr.P.C. seeking concession of anticipatory bail to the petitioner in case FIR No.166, dated 04.11.2019, under Section 22 of the NDPS Act (Section 29 of the NDPS Act added later on vide DDR No.36, dated 07.11.2019), registered at Police Station Maur, District Bathinda.

While issuing notice of motion, the following order was passed by this Court on 24.07.2020:

“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.166, dated 04.11.2019, under Section 22 of the NDPS Act (Section 29 of the NDPS Act added later on vide DDR No.36, dated

07.11.2019), registered at Police Station Maur, District Bathinda.

Counsel submits that even as per prosecution version, the alleged recovery of 60 tablets of Clovidol had been effected from co-accused Pawan Singh (non-applicant). Present petitioner has been implicated on the disclosure statement of the co-accused. Even otherwise, the alleged recovery cannot be construed to be commercial quantity. Further categoric submission raised is that the petitioner is clean antecedents and is not involved in any other case under the NDPS Act.

Notice of motion, returnable for 14.09.2020.

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 Ramesh Kumar informs the Court that the the petitioner has since joined investigation and is not required for any custodial interrogation.

In view of the above, petition is allowed.

Order dated 24.07.2020 passed by this Court is made absolute.

14.09.2020

harjeet

(TEJINDER SINGH DHINDSA)
JUDGE

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |