

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****CRM-M-21957-2020****Date of Decision: 11.12.2020**

Gurmail Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILLPresent: Mr. Parminder Singh, Advocate, for
Mr. Laghuinder Singh Sekhon, Advocate, for the petitioner.Mr. Avtar Singh Sandhu, Addl. AG, Punjab,
assisted by ASI Gurlabh Singh.*(proceedings conducted through video conferencing)***GURVINDER SINGH GILL, J. (Oral)**

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.232 dated 28.06.2020 at Police Station Sadar Dhuri, District Sangrur, under Section 22 of the NDPS Act, wherein it is alleged that a secret information has been received against the petitioner that he was indulging in sale of intoxicant tablets and on account of which barricading was laid, but despite the said barricading, the petitioner is alleged to have escaped while leaving a polythene bag carried by him which led to recovery of 130 intoxicant tablets of Clovidol-100-SR stated to be containing 'tramadol'.
2. At the time of issuance of notice of motion on 07.08.2020, the following order was passed:

“The learned counsel for the petitioner contends that the petitioner was never arrested at the spot despite the fact that it is the case of prosecution that there was prior

secret information against the petitioner nor any recovery was effected from him and that the petitioner has been falsely implicated in the present case.

Notice of motion for 11.12.2020.

Meanwhile, in the event of arrest, the petitioner be released on interim bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.”

3. The learned State counsel upon instructions from ASI Gurlabh Singh has informed that pursuant to interim directions, the petitioner has since joined investigation and is not required for any custodial interrogation.
4. Having regard to the fact that the petitioner was never apprehended at the spot and is stated to have joined investigation and is not even a previous convict, the petition is accepted and the interim directions issued by this Court vide order dated 07.08.2020 are hereby made absolute subject to the condition that the petitioner shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

11.12.2020

Vimal

(GURVINDER SINGH GILL)
JUDGE

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