

208 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-25403-2020(O&M)

Date of decision: 16.09.2020

Gurwinder Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr.Jasjeet Singh, Advocate for the petitioner
Mr. Pawan Sharda, Sr. DAG, Punjab

ANIL KSHETARPAL, J. (ORAL)

On 1.9.2020, this Court passed the following order:-

“The petitioner prays for grant of pre-arrest bail in a criminal case arising from FIR No.14 dated 13.3.2020 registered under Section 18, 29, 61, 85 of NDPS Act, 1985, at Police Station Sadiq, District Faridkot.

As per the case of the prosecution, one Akram was apprehended with 1 kg opium, which falls in non-commercial category.

The petitioner is sought to be indicted on the basis of a disclosure statement of Akram. The petitioner as such is not named in the FIR.

It is debatable as to whether such disclosure statement of a co-accused in police custody would be admissible in evidence or not.

Learned State counsel on instructions from SI Balwinder Singh has submitted that the petitioner does not have criminal antecedents.

Notice of motion.

On the request of the Court, Mr. Dhruv Dayal, Sr. DAG, Punjab accepts notice on behalf of the State of Punjab and prays for time to seek instructions.

Adjourned to 16.9.2020.

Keeping in view the aforesaid facts, it is considered appropriate that let the petitioner join investigation.

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

Learned State counsel on instructions from SI Balwinder Singh has submitted that the petitioner has joined investigation, cooperated and is not required for further custodial interrogation. He has further stated that the petitioner is a man of clean past as he does not have any criminal antecedents.

In view of the above, the order dated 1.9.2020 is hereby made absolute.

The petition stands allowed.

16.09.2020
rekha

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned Yes / No

Whether Reportable Yes / No