

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M No.26140 of 2020
Date of Decision: December 15, 2020

Manjit Singh alias Rana

...Petitioner

Versus

State of Punjab

...Respondents

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Anurag Chopra, Advocate,
for the petitioner.

Mr. Avtar Singh Sandhu, Addl.A.G.Punjab.

MANOJ BAJAJ, J. (Oral)

This petition has been filed by the petitioner under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.167 dated 03.10.2019, under Sections 21 and 25 N.D.P.S.Act, 1985, registered at Police Station, Gharinda, District Amritsar. The petitioner apprehended his arrest at the hands of police in the above FIR.

Learned counsel for the petitioner has invited the attention of the Court to the order dated 22.09.2020, whereby while issuing notice of motion to the respondent-State, the interim protection was extended to the petitioner. The said order reads as under:-

“A status report by way of affidavit of Senior Superintendent of Police, Amritsar Rural has been filed in compliance of the order dated 14.09.2020. A copy of the same has been furnished to the learned counsel for the petitioner.

Learned counsel for the petitioner contends that the alleged recovery of 12 k.g. of heroin was effected from accused, Gurpal Singh and Gurpreet Singh on 03.10.2019 and those accused were arrested on the spot. On 04.10.2019, they suffered a disclosure statement whereupon the action was taken against accused Jagroop and Varinder Singh who were also arrested for having 300 grams of heroin each in their possession. He contends that the petitioner has been indicted in the similar way and therefore, the evidence collected qua him is comparatively weak and the custodial interrogation of the petitioner may not be necessary as he is ready to join the investigation.

The prayer is opposed by learned State counsel assisted by ASI Palwinder Singh, on the ground that the petitioner was also involved in the crime as the said contraband was recovered from the border area and the petitioner also actively participated in the said crime. He has referred to the statement of accused-Gurpreet (Annexure R-4) to contend that the role of the petitioner is at par with the other co-accused, namely, Jagroop and Varinder Singh. However, it is not disputed by learned State counsel that at the time of initial arrest only two accused, namely, Gurpal Singh and Gurpreet Singh were found with the contraband. He on instructions further states that the petitioner is not involved in any other crime of the similar nature.

Notice of motion for 14.12.2020.

Meanwhile, the petitioner shall join the investigation and would come present as and when called for and in the event of arrest, the petitioner shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C.”

Learned counsel for the petitioner further contends that in deference to the said order, the petitioner submitted himself before the

police and joined the investigation. According to him, the petitioner cooperated with the police authorities during the investigation and furnished requisite bonds to the satisfaction of the Investigating Officer/Arresting Officer.

Learned State counsel does not dispute this fact that the petitioner has joined the investigation. Learned counsel, on instructions from ASI Amarjit Singh, further states that the petitioner is not required for custodial interrogation for the time being.

Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 22.09.2020 is made absolute.

December 15, 2020
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No