

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-31271-2020 (O&M)
Date of Decision:- 2.12.2020

Kala Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. L.S.Sekhon, Advocate, for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab,
assisted by SI Darshan Singh.

(Proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of anticipatory bail in a case registered vide FIR No.47, dated 23.2.2020, Police Station City Sunam, District Sangrur, under Sections 22 and 29 of NDPS Act.
2. It is the case of prosecution that a secret information was received to the effect that the petitioner along with his wife Shinder Kaur indulged in sale of contraband. It is further the case of prosecution

that pursuant to receipt of aforesaid information, petitioner's wife Shinder Kaur was apprehended by the police and 500 intoxicating tablets namely 'Clovidol-100-SR' were recovered from her possession.

3. The learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case and that in any case no recovery whatsoever was ever effected from him and as such, the petitioner deserves the concession of anticipatory bail.
4. Opposing the petition, the learned State counsel has submitted that since the name of the petitioner specifically figures in the FIR and the secret information so received by the police stands substantiated on account of recovery of contraband from petitioner's wife, no case for grant of bail is made out. The learned State counsel has, however, informed that pursuant to interim directions issued by this Court, the petitioner has since joined investigation and is not required for any custodial interrogation.
5. I have considered rival submissions addressed before this Court.
6. Having regard to the fact that the petitioner was never apprehended by the police nor any recovery was effected from him and that he has already joined investigation, his custodial interrogation is not warranted. The petition, as such is accepted and the interim directions issued vide order dated 6.10.2020 are hereby made absolute subject to the condition that the petitioner shall appear and join investigation as and when called upon to do so and cooperate

with the Investigating Officer and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.

December 2, 2020

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**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No