

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

206

CRM-M-31279 of 2020
Date of Decision:07.12.2020

Gagandeep Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Jashandeep Singh Sandhu, Advocate,
for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab

AMOL RATTAN SINGH, J. (ORAL)

All cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the COVID-19 pandemic.

By this petition, the petitioner seeks the concession of 'pre-arrest bail', under the provisions of Section 438 of the Cr.P.C., upon FIR no.120, dated 01.07.2020, having been registered at Police Station Nathana, District Bathinda, alleging therein the commission of an offence punishable under Section 22 of the NDPS Act, 1985.

On 10.11.2020, the following order had been passed:-

“All cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the COVID-19 pandemic.

By this petition, the petitioner seeks the concession of 'pre-arrest bail' upon FIR No. 120 having been registered at Police

Station Nathana, District Bathinda, on 01.07.2020, alleging therein the commission of an offence punishable under Section 22 of the NDPS Act, 1985.

Pursuant to the order dated 06.10.2020, a reply by way of an affidavit of the Deputy Superintendent of Police, Sub-Division Bucho, District Bathinda, has been filed, with learned State counsel submitting that the petitioners' name was disclosed by his brother (accused apprehended at the spot allegedly with 80000 tablets of 'Tramadol Hydrochloride'), with his statement being that in fact it was the petitioner who used to procure the contraband from outside the State of Punjab.

Learned counsel for the petitioner however submits that with there not even being an allegation that the petitioner was present at the spot, or that tried to run away from there, simply because a disclosure statement is alleged to have been made in police custody, with there being no other criminal case registered against the petitioner at all, he deserves the concession of anticipatory bail.

Without making any comment on the actual merits of the case, since there is admittedly no other criminal case registered against the petitioner even as per counsel for the State (as per his instructions) and the disclosure statement is alleged to have been made in police custody, the petitioner is directed to join investigation within one week from today and upon him joining investigation, in case he is sought to be arrested, he would be released on bail, on his furnishing adequate bail and surety bonds to the satisfaction of the arresting officer/Ilaqa Magistrate.

He shall also comply with the conditions stipulated in Section 438 (2) of the Cr.P.C.

If the arresting officer does not join the petitioner in investigation, he would appear before the learned Ilaqa Magistrate immediately, who would then summon the arresting officer and direct him to join him in investigation, in terms of the order of this court.

Adjourned to 07.12.2020.”

Today learned State counsel submits that though in the reply filed by the DSP, Sub-Division Bucho, District Bathinda, it is stated that the petitioners' custodial interrogation is required, however as per his instructions from the investigating officer SI Harbans Singh, there is nothing to be recovered from the petitioner.

In view of what has already been noticed in the aforesaid order, without making any comment on the actual merits of the case, the petition is allowed and the said order made absolute.

December 07, 2020
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(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	No