

**201 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**CRM-M-52836-2019
Date of decision : 10.09.2020**

GURDEEP SINGHPetitioner

Versus

STATE OF PUNJABRespondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. P.S. Sekhon, Advocate for
Mr. A.S. Barnala, Advocate
for the petitioner.

Mr. Harbir Sandhu, Asstt. A.G. Punjab
for the respondent-State.

ARUN KUMAR TYAGI, J (ORAL)

(The case has been taken up for hearing through video conferencing.)

The petitioner has filed the present (first) petition under Section 438 of the Code of Criminal Procedure, 1973 (for short, 'the Cr.P.C') for grant of anticipatory bail in case FIR No. 482 dated 23.11.2019 registered under Sections 21, 25 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the NDPS Act') at Police Station City Barnala, District Barnala.

On 23.11.2019 police party headed by ASI Satwinder Pal Singh apprehended co-accused Makhan Singh and Harwinder Singh while travelling in Swift Dezire No. DL-9CW-8203 on the basis of secret information and on search 2500 tablets labelled clavidol containing tramadol were recovered from their possession. During investigation, co-accused Makhan Singh implicated the petitioner as the person who had supplied the intoxicant tablets to him.

Coordinate Bench of this Court vide order dated 17.02.2020 had granted interim anticipatory bail to the petitioner with direction to join the investigation.

The petition has been opposed by learned State Counsel.
However, no written reply has been filed by the State.

I have heard learned Counsel for the petitioner and learned State Counsel and have gone through the record.

Learned Counsel for the petitioner has submitted that the petitioner was not named in the FIR whereas he was indicted in the present case on the basis of disclosure statement made by co-accused Makhan Singh. False case has been planted against the petitioner because the said co-accused Makhan Singh was inimical to him in view of the fact that in an earlier case i.e. FIR No. 60 dated 03.06.2019, under Section 15 of NDPS Act, registered at Police Station Chhajli, petitioner was also nominated on the basis of statement made by Makhan Singh but the disclosure statement made by said Makhan Singh in that FIR proved to be false and thereafter he was suspended from the service. In the earlier case, the petitioner was nominated on the basis of disclosure statement of Makhan Singh and in the present case also he was nominated on the basis of disclosure statement of same Makhan Singh. The petitioner is not involved in any other case under the NDPS Act. The petitioner has joined the investigation. Nothing is to be recovered from him and his custodial interrogation is not required.

Learned State Counsel, on instructions from ASI Jarnail Singh, has submitted that in compliance with order dated 17.02.2020 passed by the Coordinate Bench of this Court, the petitioner has joined the investigation and that his custodial interrogation is not required for effecting any recovery.

In view of the facts and circumstances of the case, nature of accusation and evidence against the petitioner, satisfaction by due implication of the conditions of Section 37 (1)(b) of the NDPS Act qua the petitioner and also the fact that investigation and trial are likely to take long time and detention of the petitioner in custody will not serve any useful purpose but without expressing any opinion on the merits of the case, I am of the considered view that the petitioner deserve the grant of anticipatory bail.

Accordingly, the petition is allowed and order dated 17.02.2020 granting interim bail to the petitioner is made absolute. However, the petitioner shall join the investigation if and as and when

again called upon to do so and shall abide by the conditions enumerated in Section 438 (2) of the Cr.P.C., failing which the protection of anticipatory bail order shall not be available to him.

10.09.2020

kavneet singh

(ARUN KUMAR TYAGI)
JUDGE

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