

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-54455 of 2019 (O & M)

Date of Decision:-27.01.2020

Gurdeep Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Rajdeep Singh Gill, Advocate for Mr. P.S. Sekhon,
Advocate for the petitioner.

Mr. Sarabjit Singh Cheema, AAG, Punjab.

JASGURPREET SINGH PURI 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.132 dated 25.10.2019, under Sections 18 and 29 of NDPS Act, registered at Police Station Moonak, District Sangrur. The petitioner apprehended his arrest at the hands of Police in the above FIR.

The FIR was registered on the basis of secret information and the alleged recovery of 500 grams of opium was effected from his possession.

Learned counsel for the petitioner has invited the attention of the Court to the order dated 24.12.2019 whereby while issuing notice of motion to the respondent-State, the interim protection was extended to the

petitioner. The said order reads as under:-

“The present petition has been filed by petitioner- Gurdeep Singh, inter alia, praying for grant of anticipatory bail in case FIR No.132 dated 25.10.2019 u/s 18 and 29 of NDPS Act, registered at Police Station Moonak, District Sangrur, Punjab.

Petitioner submits that it has been so recorded in para 3 of the order dated 05.12.2019 passed by the Special Court, Sangrur, that on the basis of secret information, Ashok Kumar was captured and 500 gram of opium was recovered from his possession.

Learned counsel for the petitioner further submits that no one had identified the petitioner to corroborate the fact that the applicant/accused ran away from the place of recovery. In fact the petitioner has specifically pleaded and submits that he has been falsely implicated allegedly because of earlier enmity with the police. He has pleaded that in the month of September 2019, the Police has raided the village of the petitioner and upon search, nothing incriminating was recovered. On this, when petitioner protested/raised the voice against the atrocities of the police and supported the 'dharna', which has annoyed the police party. He alleges that because of this vindictness, he has been falsely implicated in the case.

Notice of motion for 27.01.2020.

Meanwhile, the petitioner is directed to surrender before the Investigating Officer and join the investigation on or before 07.01.2020. However, in the event of arrest, the petitioner shall be admitted to interim bail on furnishing bail bonds to the satisfaction of the Investigating Officer. The petitioner shall abide by

the conditions as enshrined in Section 438(2) Cr.PC.

It is also made clear that Investigating Officer in order to satisfy and collect complete information may call him on any subsequent date for any number of days.”

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 who is assisted by ASI Major Singh does not dispute this fact that the petitioner has joined the investigation. Learned counsel on instructions from ASI Major 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 24.12.2019 is made absolute.

January 27, 2020
Vijay Asija

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No