

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

CRM-M-42-2021 (O&M)
Date of Decision:-19.8.2021

Vijender Rai ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Gautam Dutt, Advocate for the petitioner.

Mr. Sidakmeet Singh Sandhu, AAG, Punjab,
assisted by ASI Gurdev Singh.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.0001 dated 1.1.2020 at Police Station Khanauri, District Sangrur under Sections 22/61/85 of Narcotic Drugs & Psychotropic Substances Act, 1985.
2. At the time of issuance of notice of motion on 6.1.2021, the following order was passed:

“Learned counsel for the petitioner submits that as per the FIR one Sandeep Singh was apprehended by the police and from whose possession 320 tablets of ‘Alprazolam’ and 320 tablets of ‘Tramadol’ were recovered. It has been submitted that the petitioner was never ever arrested at the spot and has been nominated as an accused on the basis of a disclosure statement allegedly made by the aforesaid Sandeep Singh to the effect that he

had procured the aforesaid contraband from the petitioner, who is infact a licensed chemist.

Notice of motion for 30.4.2021.

Meanwhile, in the event of arrest, the petitioner be released on interim bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and cooperate with the Arresting/Investigating Officer and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.”

3. Learned State counsel, upon instructions from ASI Gurdev Singh, has informed that pursuant to interim directions, the petitioner has since joined investigation and that since challan already stands presented, he is not required for any custodial interrogation.
4. Keeping in view the fact that it is a case where the petitioner has been named on the basis of a disclosure statement, the veracity and admissibility of which would be debatable and the fact that the petitioner has not only joined investigation but the investigation qua him stands concluded and challan stands presented, his custodial interrogation is not warranted. The petition, as such, is accepted and the interim directions issued by this Court vide order dated 6.1.2021 are hereby made absolute, subject to the condition that the petitioner shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438(2) Cr.P.C.

19.8.2021

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned
Whether Reportable

Yes / No
Yes / No