

Gurwinder Singh

.....Petitioner

Vs.

State of Punjab

....Respondent

CORAM : HON'BLE MR.JUSTICE AMOL RATTAN SINGH

Present: Mr.Vikas Arora, Advocate,
for the petitioner.

Mr. Rana Harjasdeep Singh, DAG, Punjab.

AMOL RATTAN SINGH, J. (Oral)

Case heard via video conference.

On 09.02.2021, the following order had been passed by this
court:-

“The petitioner has filed the present petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail in case FIR No.101 dated 24.08.2020 registered under Sections 22, 25 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, "the NDPS Act") at Police Station Special Task Force, STF Wing, Mohali.

Reply by way of affidavit of Sukhamrit Singh, PPS, Deputy Superintendent of Police, STF Patiala Range, Patiala on behalf of respondent-State has been filed in the Registry which is taken on record.

Learned Counsel for the petitioner has submitted that the petitioner was not arrested on the spot. No recovery was made from the petitioner. The petitioner has been falsely implicated due to being registered owner of the car bearing registration No.UP-17T-8125. His car was taken by co-accused Vikramjeet @ Vicky one day prior to the alleged incident. The petitioner has no nexus with the alleged recovery. Rigors of Section 37(1)(b) of the NDPS Act are not applicable que the petitioner. The petitioner is involved in one more case under the NDPS Act but he is on bail in that case. The petitioner is ready to join the investigation.

Learned State Counsel seeks time to address arguments and file copies of the relevant documents.

Adjourned to 29.04.2021.

In view of the facts and circumstances, I am inclined to grant interim anticipatory bail to the petitioner

and accordingly, the petitioner is directed to join the investigation as and when called upon to do so. In the event of his arrest, the petitioner shall be released on interim anticipatory bail by the arresting officer/investigating officer on furnishing of bail bonds by him to the satisfaction of the arresting officer/investigating officer. The petitioner shall comply with the conditions enumerated under Section 438(2) of the Cr.P.C. failing which he shall not be entitled to the protection of interim anticipatory bail allowed to him.”

Today learned State counsel submits, on instructions from SI Amar Singh, that the petitioner has joined investigation and presently at least his custodial interrogation is not required.

That being so, without making any comment on the actual merits of the case, this petition has actually been rendered infructuous and is disposed of as such.

However, if the petitioners' custodial interrogation is required at any stage hereinafter, in the context of the FIR in question, he would be given 10 days notice before arrest, duly shown to be served upon him.

November 01, 2021

dharamvir

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned : YES
Whether Reportable : NO