

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

205

CRM-M-7682-2021

Date of Decision: 26.10.2021

VIJA SINGH @ VIJAY SINGH

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. S.S. Sarwara, Advocate for the petitioner.

Mr. Prabhjot Singh Walia, AAG, Punjab.

SUVIR SEHGAL, J.(ORAL)

Heard through video conferencing.

Through the instant petition filed under Section 438 of Code of Criminal Procedure, 1973, the petitioner seeks anticipatory bail in case FIR No.35 dated 02.02.2021, registered under Sections 22 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station Sadar Mansa, District Mansa.

Counsel for the petitioner submits that the petitioner has been arraigned as an accused on the basis of a confessional statement of co-accused, namely, Mandeep Singh @ Babu, from whom allegedly recovery of 5000 tablets of *Tramadol*, which falls within the ambit of commercial quantity, has been effected. Counsel submits that no recovery has been effected from the petitioner and he has clean antecedents.

While granting interim protection to the petitioner on 18.02.2021, a Co-ordinate Bench of this Court passed the following order:-

“Learned counsel for the petitioner prays for grant of anticipatory bail to the petitioner while inter-alia arguing that the petitioner has been falsely implicated in the present case and he has

been nominated on the disclosure statement of the co-accused and he is ready and willing to join the investigation.

Notice of motion for 11.08.2021.

Meanwhile, petitioner is directed to join the investigation within a period of one week and on doing so, the petitioner be released on interim bail to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall continue to join the investigation as and when called upon to do so and shall abide by the conditions incorporated under Section 438(2) Cr.P.C.”

Learned State counsel on instructions from ASI Sarjit Singh, states that the petitioner has joined the investigation, challan has been presented and the petitioner is no longer required for custodial interrogation. Upon further instructions, he could not dispute the fact that the petitioner is not involved in any other criminal case and no recovery has been effected from him. Still further, on instructions, he submits that the charge has been framed and the prosecution evidence is yet to start.

In view of the said facts, without commenting on the merits of the case, the present petition is allowed and the order dated 18.02.2021 granting interim bail to the petitioner is made absolute, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

26.10.2021
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(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No