

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

CRM-M-9555-2021 (O&M)
Date of Decision:-10.9.2021

Raju Singh

... Petitioner

Versus

State of Punjab

... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Ms. Manpreet Ghuman, Advocate for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab,
assisted by ASI Suresh Kumar.

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.222 dated 18.6.2020 at Police Station Sadar Dhuri, District Sangrur under Section 22 of Narcotic Drugs & Psychotropic Substances Act, wherein offence under Section 29 of NDPS Act was added later on.
2. At the time of issuance of notice of motion on 1.3.2021, the following order was passed:

“The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.222 dated 18.6.2020 at Police Station Sadar Dhuri, District Sangrur

under Section 29 of Narcotic Drugs and Psychotropic Substances Act, 1985.

As per case of the prosecution, pursuant to receipt of secret information, Binder Kaur @ Kato and Salim Khan were caught red handed while in possession of 14000 tablets of Clovidol SR (Tramadol). It is further the case of prosecution that during the course of interrogation, they suffered disclosure statement to the effect that the same had been supplied to them by petitioner Raju Singh. It has been submitted that the petitioner was never arrested at the spot and that no sanctity can be attached to such like disclosure statement made by co-accused in the absence of any corroborative evidence.

Notice of motion for 24.5.2021.

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 Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.”

3. Learned State counsel, upon instructions from ASI Suresh Kumar, has informed that pursuant to interim directions the petitioner has since joined investigation. It has also been informed that the petitioner happens to be involved in 4 other cases.
4. I have considered rival submissions addressed before this Court.
5. Having regard to the fact that the petitioner is neither named in the FIR nor was ever arrested at the spot and has been nominated on the basis of disclosure statement made by co-accused and is also stated to have joined investigation, his custodial interrogation is not warranted. The petition, as

such, is accepted and the interim directions issued by this Court vide order dated 1.3.2021 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.

10.9.2021

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**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No