

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

CRM-M-6828-2020 (O&M)
Date of Decision:-22.7.2021

Gurtej Singh @ Chaina

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Gurpreet Singh Thind, Advocate for the petitioner.

Mr. Randhir Singh Thind, AAG, Punjab,
assisted by ASI Sukhdatapal.

(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.123 dated 08.08.2019 registered at Police Station Sadar Faridkot, District Faridkot under Section 27 of Narcotic Drugs & Psychotropic Substances Act, 1985.
2. At the time of issuance of notice of motion on 17.2.2020, the following order was passed :

“Through this petition under Section 438 Cr.P.C. prayer has been made for grant of anticipatory bail to the petitioner in case FIR No.123 dated 08.08.2019, registered under Section 27 of the Narcotic Drugs & Psychotropic Substances Act, 1985, at Police Station Sadar Faridkot, District Faridkot.

According to prosecution, in the night of 08.08.2019, on receipt of secret information that petitioner and his accomplice take intoxicants under the trees near khoka, a raid was conducted. Coaccused of the petitioner namely Sandeep Singh @ Sukha was apprehended at the spot, whereas petitioner and his other accomplice succeeded in fleeing away.

Learned counsel *inter alia* contends that no recovery has to be effected from the petitioner. He has falsely been implicated in the FIR in-question. He is ready to join investigation.

Notice of motion for 12.05.2020.

Meanwhile, petitioner shall join investigation and would come present as and when called for and in the event of arrest, he shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of the Arresting/Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438 (2) Cr.P.C.”

3. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case and that he was never ever arrested at the spot.
4. Learned State counsel has informed that when the co-accused was arrested at the spot, a lighter and a piece of paper was recovered from him. It has also been informed that the petitioner is not wanted in any other case.
5. Having regard to the nature of allegations wherein it is alleged that the petitioner and his co-accused were consuming intoxicants and while noticing that while the petitioner was never arrested at the spot, his co-accused was arrested at the spot was found in possession of a lighter and a paper only and while also keeping in view that the petitioner is stated to have joined investigation and is not wanted in any other case, custodial interrogation of the petitioner is not warranted. The present petition, as such, is accepted and the interim directions issued by this Court vide order dated 17.2.2020 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.

22.7.2021

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No