

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-11928-2021

Date of decision: - 03.09.2021

Kunal Bassi

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Naveen Bawa, Advocate,
for the petitioner.

Mr. Dhruv Dayal, Sr. D.A.G., Punjab.
(keeping in view the advance copy given).

(Through Video Conferencing)

HARSIMRAN SINGH SETHI, J. (ORAL)

Petitioner is seeking anticipatory bail in FIR No.24 dated 16.02.2021, registered under Section 21(b) of the Narcotic Drugs & Psychotropic Substances Act, 1985, at Police Station Division No.7, District Ludhiana.

Learned counsel for the petitioner contends that the petitioner has joined investigation in terms of order passed by a Co-ordinate Bench of this Court on 16.03.2021. Order dated 16.03.2021 is as under:-

“The matter has been taken up through video conferencing.

Learned counsel for the petitioner inter alia contends that the petitioner has been falsely implicated in this case; he has no other criminal case pending against him; the only evidence against him is

a disclosure statement allegedly made by a co-accused in police custody which is not admissible under Section 25 of the Indian Evidence Act, 1872; even if the case of the prosecution is taken as the gospel truth, though vehemently denied, the alleged recovery from the co-accused is 70 grams of heroin which is classified as non commercial quantity under Narcotic Drugs and Psychotropic Substances Act, 1985 (for short the NDPS Act); there is no recovery of any narcotics from the person of the petitioner and that the petitioner is ready and willing to join the investigation as and when called by the investigating agency.

Notice of motion.

Mr. Amit Mehta, Sr.DAG, Punjab, accepts notice on behalf of the respondent and prays for time to argue the matter.

Adjourned to 17.05.2021.

In the meanwhile subject to the petitioner's joining investigation as and when called by the investigating agency as also abiding by the other conditions provided under Section 438 (2) Cr.P.C, in the event of his arrest in FIR No.24 dated 16.02.2021, registered under Section 21(b) of the NDPS Act at Police Station Division No.7, district Ludhiana, he shall be released on ad interim anticipatory bail to the satisfaction of the Arresting Officer.

Before the adjourned date the State shall file a concise status report.”

Learned State counsel, who has also joined the proceedings through video conference, on instructions from S.I. Sukhwinder Singh, states that in terms of the order of this Court reproduced before, the petitioner has joined the investigation and is not required for further investigation, at this stage.

In view of the above, the order dated 16.03.2021 granting interim bail to the petitioner is made absolute.

However, the petitioner shall abide by the conditions

stipulated under Section 438(2) Cr.P.C. He shall also join investigation as and when called upon to do so.

In case at any given point of time hereinafter, it is felt by the Investigating Agency that petitioner is required for the investigation but is not co-operating, it will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

September 03, 2021
naresh.k

(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking?	Yes
Whether reportable?	No