

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(211)

CRM-M-12456-2021

Date of decision:- 15.09.2021

Jabarjang Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Tarun Sharma, Advocate for the petitioner.

Mr. Prabhjot Singh Walia, AAG, Punjab.

...

SUVIR SEHGAL, J. (Oral)

The Court has been convened through video conferencing due to Covid-19 pandemic.

Instant petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 seeking grant of anticipatory bail in case FIR No. 0015 dated 22.02.2021 under Section 15 of the Narcotic Drugs Psychotropic Substances Act, 1985 (Section 29 of the NDPS Act was added later on), registered at Police Station Sadar Moga, District Moga, Annexure P-1.

While granting interim protection to the petitioner, this Court passed the following orders on 18.03.2021:-

“The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

Counsel for the petitioner submits that it is on the basis of disclosure statement made by the co-

accused Gurpreet Singh and Sukhdev Singh from whose house poppy husk was recovered in the case, the petitioner is being named as an accused. The petitioner has approached the learned Additional Sessions Judge for grant of anticipatory bail, but the same was declined primarily on the ground that 4 other cases are registered against the petitioner, whereas there is no such case against the petitioner.

Notice of motion.

At this stage, Mr. Avtar Singh Sandhu, Additional Advocate General, Punjab, has put in appearance on behalf of State. He, on instructions from SI Nirmal Singh, is fair enough to submit that there is no other case against the petitioner.

Noticing the contention that the petitioner is not involved in any other case and he is being named as an accused on the basis of disclosure statement, therefore, the petitioner is entitled for interim bail.

Adjourned to 27.05.2021.

Meanwhile, in the event of arrest of the petitioner, he shall be released on ad-interim bail to the satisfaction of the arresting officer. However, the petitioner shall join the investigation as and when directed by the investigating agency and shall abide by the terms and conditions laid down under Section 438(2) Cr.P.C.”

Learned State counsel, upon instructions, from SI Balwinder Singh submits that the petitioner has joined the investigation and he is no longer required for custodial interrogation. He has further instructions to state that the petitioner is not involved in any other criminal case.

In view of the above facts, but without commenting on the merits of the case, the present petition is allowed. Order dated 18.03.2021 is made absolute, subject to the conditions laid down in Section 438 (2) of the Code of Criminal Procedure.

15.09.2021
Kamal

(SUVIR SEHGAL)
JUDGE

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