

201 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-13739-2021

Date of Decision : 27.07.2021

Gurvinder Singh ...Petitioner

Versus

State of PunjabRespondent

Coram : Hon'ble Mr. Justice B.S. Walia

Present : None for the petitioner.

Mr. Sukhbeer Singh, AAG, Punjab.

B.S. Walia, J. (VC)

1. Case is being taken up for hearing through Video Conferencing due to Covid-19 pandemic.
2. Prayer in the petition under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in case FIR No.0023 dated 01.03.2021 registered under Sections 21, Narcotic Drugs Psychotropic Substances Act, 1985 at Police Station Sandaur, District Sangrur, Punjab.
3. On 25.03.2021, the following order was passed:-

“ Learned counsel for the petitioner inter alia contends that the petitioner has been falsely implicated in the case at the behest of the police and the co-accused Jagwinder Singh @ Jaggi; there is no other criminal case against the petitioner; even if the case of the prosecution is taken as the gospel truth, though vehemently denied, two grams heroin was allegedly recovered from co-accused Jagwinder Singh @ Jaggi, which is classified as “small quantity” under the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short – the NDPS Act); no recovery has been made from the petitioner; co-accused Jagwinder Singh @ Jaggi from whom the alleged recovery is made has been granted regular bail by the Trial Court and that the

petitioner is ready and willing to join the investigation as and when called by the investigating agency.

Notice of motion.

Mr. Sandeep Kumar, DAG, Punjab accepts notice on behalf of the respondent-State.

For arguments, adjourned to 27.07.2021.

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.0023 dated 01.03.2021 under Section 21 of the NDPS Act registered at Police Station Sandaur, district Sangrur, he shall be released on ad interim anticipatory bail to the satisfaction of the Arresting Officer.”

3. Although, none is present on behalf of petitioner, yet, learned state counsel on instructions from SI Sukhdev Singh very fairly states that pursuant to order dated 25.03.2021, the petitioner joined investigation, cooperated in the same, was released on ad-interim pre-arrest bail and that his custodial interrogation is not required.
4. In view of the statement of learned state counsel, order dated 25.03.2021 is made absolute. The petitioner shall abide by the terms and conditions enumerated in Section 438(2) Cr.P.C. However, nothing stated hereinabove shall be construed to be an expression of opinion on the merits of the case.
5. Petition stands disposed of in the aforementioned terms.

(B.S. Walia)
Judge

27.07.2021
Spn

Whether speaking/ reasoned	:	Yes/No
Whether reportable	:	Yes/No