

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

208

CRM-M-10271-2020

Date of Decision: 12.08.2021

Gursewak Singh @ Nikka

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. J.S.Moudgill, Advocate, for the petitioner.

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

(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.17 dated 13.02.2020 at Police Station Cheema, District Sangrur, under Section 16 of the NDPS Act.
2. As per the case of the prosecution, pursuant to receipt of an anonymous complaint, a raid was conducted at the fields of the petitioner Gursewak Singh @ Nikka, where 260 poppy plants were found to have been sown. It is, thus, alleged that the petitioner was indulging in cultivation of poppy plants.
3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the instant case and that he is not the owner of the land in question.

4. Opposing the petition, learned State counsel has submitted that the petitioner was very much in possession of the land in question and since it was found that poppy plants were being cultivated and sown in the said land, no case for grant of bail is made out. Learned State counsel has, however, informed that the petitioner has since joined investigation and is not wanted in any other case and that challan already stands presented.
5. Having considered the rival submissions addressed before this Court and while also noticing that the petitioner has already joined investigation and challan stands presented and that the petitioner is not even stated to be involved in any other case, his custodial interrogation is not warranted. The petition, as such, is accepted and the interim directions issued by this Court vide order dated 12.03.2020 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.

12.08.2021

Vimal

**(GURVINDER SINGH GILL)
JUDGE**

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