

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

**CRM-M-10790-2020
Date of decision-10.11.2021**

Rupinder Singh **...Petitioner**
Vs.
State of Punjab **...Respondent**

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Sukhwinder Singh Kainth, Advocate for the petitioner.
Mr. Ramdeep Partap Singh, DAG, Punjab.

MANOJ BAJAJ, J. (Oral)

This petition has been filed by the petitioner under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.24 dated 20.02.2020 under Section 21 Narcotic Drugs and Psychotropic Substances Act, 1985 (Section 29 NDPS Act added later on) registered at Police Station Khamano, District Fatehgarh Sahib. The petitioner apprehend his arrest at the hands of Police.

Learned counsel for the petitioner has invited the attention of the Court to the order dated 13.03.2020, whereby the interim protection was extended to the petitioner. The said order reads as under:-

“Prayer in the present petition filed under Section 438 of the Code of Criminal Procedure, 1973 is for grant of anticipatory bail to the petitioners in case FIR No.24 dated 20.02.2020 registered under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the NDPS Act') at Police Station Khamanon, District Fatehgarh Sahib to which Section 29 of the NDPS Act was added later on. Learned Counsel for the petitioner has submitted that the petitioner was not named in the FIR and has been falsely implicated in the case on the basis of disclosure statements made by co-accused Karanpal Singh. The petitioner was not apprehended on the spot and nothing was recovered from him. Section 37(1)(b) of the NDPS Act is not applicable qua the

petitioner. The petitioner is ready to join the investigation.

Notice of motion

On the asking of the Court, Mr. Arun Kaundal, DAG, Punjab accepts notice on behalf of the respondent-State. Copy of the paper book supplied to learned State Counsel, who seeks time to complete his instructions.

Adjourned to 28.05.2020.

In the meanwhile, the petitioner is directed to join the investigation as and when called upon to do so. In the event of his arrest, the petitioner shall be released on interim bail by the arresting officer/investigating officer on furnishing of bail bonds by him to the satisfaction of the arresting officer/investigating officer. The petitioner shall comply with the conditions enumerated under Section 438(2) of the Cr.P.C. failing which he shall forfeit the benefit of interim bail allowed to him.”

Learned counsel for the petitioner further contends that in deference to the said order, the petitioner submitted himself before the Police and joined the investigation. According to him, the petitioner cooperated with the Police Authorities during the investigation and furnished requisite bonds to the satisfaction of the Investigating Officer/Arresting Officer.

Learned State counsel who is assisted by SI Suresh Kumar does not dispute this fact that the petitioner has joined the investigation. He further states that the petitioner is not required for custodial interrogation for the time being.

Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 13.03.2020 is made absolute.

(MANOJ BAJAJ)
JUDGE

10.11.2021

vanita	Whether speaking/reasoned :	Yes	No
	Whether Reportable :	Yes	No