

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-18059-2021 (O&M)
Date of Decision:-31.8.2021

Ajay @ Ajay Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. J.K. Singla, Advocate for the petitioner.

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

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in a case registered vide FIR No.134 dated 22.3.2021 at Police Station City Barnala, District Barnala under Sections 22 and 29 Narcotic Drugs and Psychotropic Substances Act.
2. At the time of issuance of notice of motion on 29.4.2021, the following order was passed:

“ The petitioner seeks grant of anticipatory bail in a case registered against him vide FIR No.134 dated 22.03.2021 at PoliceStation City Barnala, Barnala, under Sections 22 & 29 of the NDPS Act, wherein pursuant to receipt of a secret information against co-

accused Kali, she was apprehended and 700 loose intoxicant tablets were recovered from her possession. It is further the case of the prosecution that during the course of interrogation, she suffered a disclosure statement to the effect that she had procured the said intoxicant tablets from Ajay Singh i.e. the petitioner. It has been submitted by the learned counsel for the petitioner that the petitioner has falsely been implicated on the basis of disclosure statement, which would hardly carry any evidentiary value and that no recovery whatsoever was ever effected from the petitioner.

Notice of motion for 31.08.2021.

Meanwhile, in the event of arrest, the petitioner be released on interim bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join investigation as and when called upon to do so and cooperate with the Arresting/Investigating Officer and shall abide by the conditions as provided under Section 438(2) Cr.P.C.”

3. Learned State counsel, upon instruction from ASI Jagsir Singh, has informed that pursuant to interim directions the petitioner has since joined investigation. Learned State counsel has further informed that the petitioner is involved in one more case in which he is on bail.
4. I have considered rival submissions addressed before this Court.
5. It is not in dispute that the petitioner was not present at the spot when the recovery was effected from co-accused. The petitioner has been nominated on the basis of disclosure statement of co-accused, the veracity and admissibility of which would be debateable. In any case, since the petitioner has joined investigation, his custodial interrogation is not warranted. The petition, as such, accepted and the interim directions issued by this Court

vide order dated 29.4.2021 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.

31.8.2021

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No