

205 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.20122 of 2021
Date of Decision : 09.08.2021

Jasvir Singh ...Petitioner

Versus

State of PunjabRespondent

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

Present : Mr. Parminder Singh Sekhon, Advocate 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 pre-arrest bail to the petitioner in case FIR No.32 dated 22.03.2021, registered under Sections 22 & 29 of the NDPS Act, 1985 at Police Station City Dhuri, District Sangrur.

3. On 03.06.2021, the following order was passed:-

“ [The aforesaid presence is being recorded through video conferencing since the proceedings are being conducted in virtual court]

The instant petition has been filed under Section 438 Cr.P.C. seeking anticipatory bail in case FIR No. 32 dated 22.03.2021 registered under Sections 22 and 29 of NDPS Act, 1985 at Police Station City Dhuri, District Sangrur.

Learned counsel for the petitioner states that the alleged recovery of 250 tablets of Celcidal-100 SR (Tramadol Hydrochloride) was made from the co-accused of the petitioner

namely Navdeep Kumar @ Lalli, Kewal Krishan @ Bhola and Maluka Singh, who have already been granted bail by the learned trial Court vide order dated 10.05.2021 and the present petitioner has been arrayed only on the basis of disclosure statement of the co-accused.

Notice of motion for 18.06.2021.

Mr. Bhupender Beniwal, Assistant Advocate General, Punjab accepts notice on behalf of the respondent-State and prays for two weeks' time to file reply/status report.

In the meanwhile, petitioner is directed to join the investigation. In the event of arrest, petitioner shall be released on pre-arrest bail at the satisfaction of the Arresting Officer/Investigating Officer subject to the following conditions, as envisaged under section 438(2) Cr.P.C:-

- (i) that the petitioner shall make himself available for interrogation by a police officer as and when required;*
- (ii) that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;*
- (iii) that the petitioner shall not leave India without the previous permission of the Court. ”*

4. Today, learned counsel for the petitioner contends while learned State counsel, on instructions from *SI Jarnail Singh*, confirms that pursuant to the order of this Court dated 03.06.2021, the petitioner joined investigation, cooperated in the same, was released on ad-interim pre-arrest bail and his custodial interrogation is not required.

5. In view of the statement of the learned State Counsel, order dated 03.06.2021, passed by this Court, is made absolute. The petitioner

shall continue to abide by the conditions enumerated in Section 438(2) Cr.P.C. However, nothing stated hereinabove shall be deemed to be an expression of opinion on the merits of the case.

6. Petition stands disposed of in the aforementioned terms.

(B.S. Walia)
Judge

09.08.2021
'Amit'

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