

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

237

CRM-M-21967-2021

Date of Decision : 06.12.2021

Kala Singh**...Petitioner****Versus****State of Punjab****...Respondent****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. Mohit Giri, Advocate for
Mr. Ashok Giri, Advocate for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab

Harsimran Singh Sethi, J. (Oral

Petitioner is seeking anticipatory bail in FIR No.32 dated 02.03.2021 registered under Section 18(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short, 'NDPS Act') (Section 29 of the NDPS Act added later on) at Police Station Shahkot, District Jalandhar.

Learned counsel for the petitioner submits that the petitioner has joined investigation in terms of order passed by a Coordinate Bench of this Court on 03.06.2021. Order dated 03.06.2021 is as under:-

“This matter is being taken up for hearing through video conferencing due to the outbreak of pandemic, COVID-19.

Learned counsel for the petitioner submits that petitioner is sought to be falsely implicated in FIR No. 32 dated 02.03.2021 under Section 18(b) of the NDPS Act (Section 29 of the NDPS Act added later on vide Diary No.36 dated 04.03.2021),

registered at Police Station Shahkot, District Jalandhar, merely on the basis of disclosure statement of the co-accused namely Sanazir Miyan. Learned counsel submits that petitioner is being falsely implicated merely because he was earlier convicted under Section 15 of the NDPS Act in FIR No.124 dated 24.11.2010 under the NDPS Act, for possession of poppy husk weighing 10 kilograms. Petitioner, it is submitted, has undergone the sentence of 3 weeks imposed upon him a number of years ago and since 2010 till today, petitioner is not involved in any other case under the NDPS Act.

Notice of motion.

Mr. Sukhbeer Singh, Asst. A.G., Punjab, to whom an advance copy of the petition has been supplied, accepts notice on behalf of the respondent-State.²¹.

In the meanwhile, petitioner shall join investigation as and when required by the Investigating Officer. In the event of his arrest, petitioner shall be released on bail to the satisfaction of Investigating Officer. Petitioner shall comply with the conditions stipulated in Section 438(2) Cr.P.C.”

Learned State counsel on instructions from ASI Buta Singh, states that in terms of the order passed by a Coordinate Bench of this Court, reproduced before, the petitioner has joined investigation and he is not required for further interrogation, at this stage.

In view of the above, the order dated 03.06.2021 passed by a Coordinate Bench of this Court granting interim bail to the petitioner is made absolute.

However, the petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C. He shall also join investigation as and when called upon to do so.

In case at any given point of time hereinafter, it is felt by the Investigating Agency that petitioner is required for the investigation but is not co-operating, it will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

December 06, 2021
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(HARSIMRAN SINGH SETHI)
JUDGE

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