

CRM-M No.22711 of 2021
Date of Decision : 19.07.2021

Sukhdeep Singh ...Petitioner

Versus

State of PunjabRespondent

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

Present : Mr. Arshdeep Singh Brar, Advocate for the petitioner.
Mr. Hittan Nehra, Addl. A.G., 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.28 dated 29.04.2021 registered under Section 22, NDPS Act, 1985 to which Section 29, NDPS Act, 1985 was added later on at Police Station Ajitwal, District Moga.
3. On 10.06.2021, the following order was passed:-

“ Case is being taken up for hearing through Video Conferencing due to Covid-19 pandemic.

Prayer in the petition under Section 438 Cr.P.C. is for grant of prearrest bail to the petitioner in case FIR No.28 dated 29.04.2021 registered under Section 22 NDPS Act, 1985 to which Section 29 NDPS Act was added later on at Police Station Ajitwal, District Moga.

Learned counsel while relying on the decision of Hon'ble the Supreme Court in 'Haricharan Kurmi versus State of Bihar', 1964 AIR (SC) 1184 which lays down that mere disclosure statement without there being any other corroborative material cannot be made the basis for drawing an adverse inference against an accused contends that the petitioner has been implicated in the instant case solely on the basis of disclosure statement made by co-accused Jagroop Singh from whom at the time of arrest, recovery of 170 strips of tablets Clovidol-100 SR each strip containing 10 tablets (total 1700 tablets), as well as drug money of Rs.1.80 lakh was effected, and who on arrest disclosed that he had purchased the drugs from the petitioner and that apart from the aforementioned disclosure statement, there is no other material to connect the petitioner with the commission of the offence.

Notice of motion.

Ms. Samina Dhir, learned DAG, Punjab, accepts notice and while requesting for time to file reply, on instructions from ASI Balwinder Singh confirms that apart from the disclosure statement, there is no other material to connect the petitioner with the commission of the offence.

In the light of the position noted above, at this stage, without commenting upon the merits of the case, the petitioner is directed to join investigation and fully cooperate with the police. However, in the event of arrest, the petitioner is directed to be released on ad interim pre-arrest bail, subject to his furnishing bail/surety bonds to the satisfaction of the Arresting / Investigating Officer. The petitioner shall abide by the conditions envisaged under Section 438(2) Cr.P.C., failing which the protection granted to him shall stand vacated.

Adjourned to 19.07.2021. ”

4. Today, learned counsel for the petitioner contends that pursuant to the order of this Court dated 10.06.2021, the petitioner joined investigation, fully cooperated with the police, was released on ad interim pre arrest bail and that his custodial interrogation is not required.

5. Learned State Counsel on instructions from *ASI Balwinder Singh*, confirms that pursuant to the order of this Court dated 10.06.2021, the petitioner joined investigation, cooperated in the same, was released on ad-interim pre-arrest bail and that his custodial interrogation is not required.

6. In view of the statement of learned State Counsel, order dated 10.06.2021, passed by this Court, is made absolute. The petitioner shall abide by the terms and conditions enumerated in Section 438(2) Cr.P.C. However, nothing stated hereinabove shall be construed to be an expression of opinion on the merits of the case.

7. Petition stands disposed of in the aforementioned terms.

(B.S. Walia)
Judge

19.07.2021

'Rajneesh/Amit'

<i>Whether speaking/ reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>