

CRM-M-22918-2021

Date of Decision: 26.08.2021

Gurpreet Singh

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. G.S. Verma, Advocate,
for the petitioner.

Mr. Ramdeep Partap Singh, DAG, Punjab.

AMOL RATTAN SINGH, J. (ORAL)

Case heard via video conferencing.

By this petition, the petitioner seeks the concession of 'pre-arrest bail', upon FIR No. 172 having been registered at Police Station Civil Lines, District Patiala, on 11.05.2021, alleging therein the commission of offences punishable under the provisions of Sections 22/61/85 of the NDPS Act, 1985.

On 21.06.2021, the following order had been passed by this court:-

“Matter has been taken up through video conferencing via Webex facility in the light of the Pandemic Covid-19 situation and as per instructions.

Instant petition has been filed under Section 438 Cr.P.C. praying for grant of anticipatory bail to the petitioner in case FIR No.172, dated 11.05.2021, under Sections 22, 61, 85 of the Narcotics Drugs and Psychotropic Substances Act, 1985,

registered at Police Station, Civil Lines, District Patiala.

It is contended that the petitioner has been booked in the FIR being owner of the car from which 24 bottles of WELCYREX were recovered and he was not even present at the spot. The main accused is already behind bars.

It has been verified by learned counsel for the State that there is no other case against the petitioner.

Notice of motion.

On the asking of the Court, Mr.Ajay Pal Singh Gill, Deputy Advocate General, Punjab, accepts notice on behalf of the respondent-State

List on 26.07.2021.

In the meanwhile, in the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting Officer/Investigating Officer. The petitioner shall join investigation before the Investigating Agency/ Officer. He shall abide by 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 to do so.

(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 prior permission of the Court.”

Thereafter, on 26.07.2021, learned State counsel has submitted that though the petitioner has joined investigation, he was not cooperating with this court having therefore directed that a gazetted officer to file a reply to the petition, which has still not been filed, though as already noticed in the previous order, an affidavit of the DSP, City-I, Patiala, dated 16.06.2021, is on record, i.e. prior to even notice of motion having been issued in this case.

Be that as it may, learned State counsel, on instructions, from Sub-Inspector Karamjit Singh, submits that the petitioners' custodial interrogation is not required.

In view of above, the petition has actually been rendered infructuous and is disposed of as such.

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However, if the petitioners' custodial interrogation is required at any stage hereinafter, in the context of the FIR in question, he would be given 10 days notice before arrest, duly shown to be served upon them.

August 26, 2021
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(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
No.