

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

236

CRM-M-22913-2021

Date of Decision:25.08.2021

AMANDEEP SINGH @ AMNA

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Gagandeep Singh Simble, Advocate for
Mr. Tarun Singla, Advocate for the petitioner.

Mr. Sandeep Singh Deol, DAG, Punjab.

SUVIR SEHGAL, J.(ORAL)

Heard through video conferencing.

While granting interim protection to the petitioner on
11.06.2021, this Court passed the following order:-

“Petitioner-Amandeep Singh @ Amna has filed the present petition inter alia with a prayer for grant of anticipatory bail to the petitioner in FIR No. 106 dated 04.06.2020 under Sections 21, 29 of NDPS Act, 1985 (offence under section 29 NDPS Act added later on vide DDR Annexure P-2) P.S. Nathana, District Bathinda, Annexure P-1.

Learned counsel for the petitioner submits that petitioner was not named in the FIR. The FIR was registered on 04.06.2020. He however apprehends that he has been wrongly involved in the FIR now and therefore he apprehends his arrest. He is a young boy aged 30 years.

Notice of motion.

On asking of the Court, Mr. H.S. Sitta, Asst. A.G. Punjab accept notice through video conferencing. He submits that there is no other case against the petitioner.

Counsel for the petitioner submits that the petitioner is ready to join the investigation. He submits that because of COVID situation also, retention of the petitioner behind the bars would be dangerous to his life.

Without commenting upon the merits of the case and without recording any opinion, in the peculiar facts and circumstances of the present case, this Court deems it appropriate to direct the petitioner to join the investigation and appear before the Investigating Officer.

List on 25.08.2021.

Reply, if any, be filed meanwhile.

Meanwhile, in the event of arrest, the petitioner be released on interim bail subject to his furnishing personal/surety bonds to the satisfaction of the Arresting/Investigating Officer. However, the petitioner shall join the 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) CrPC.”

Counsel for the petitioner urges that the petitioner is neither named in the FIR nor any recovery has been effected from him. He submits that recovery of 30 grams of heroin was effected from co-accused Varinder Singh @ Bindu and the petitioner was arraigned as an accused on the basis of his disclosure statement. He contends that the recovery effected from the co-accused is of non-commercial quantity and the statement of the co-accused, which has been recorded in police custody, is inadmissible in evidence. Counsel further submits that besides the present case, the petitioner is involved in two other cases, the details of which have been given in Para 18 of the petition. By referring to the same, he submits that in FIR No.123 dated 10.06.2018 registered for the offence under Sections 21/22 of the NDPS Act, the recovery effected from the petitioner fell within the ambit of non-commercial quantity and in FIR No.191 dated 04.10.2019 lodged under Section 21 of the NDPS Act, recovery of non-commercial quantity of heroin was effected from a co-accused and the petitioner is on bail in both the cases.

Though no reply has been filed by the State, but learned State counsel on instructions from ASI Sarwinder Singh, submits that the petitioner has joined the investigation and he is no longer required for custodial interrogation.

In view of the said facts, without commenting on the merits of the case, the present petition is allowed and the order dated 11.06.2021 granting interim bail to the petitioner is made absolute, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

25.08.2021
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(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No