

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

202

CRM-M-23760-2021

Date of Decision: 04.08.2021

Gursewak Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Ruhani Chadha, Advocate,
for the petitioner.

Mr. Saurav Khurana, DAG, Punjab,
assisted by HC Partap Singh.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered against him vide FIR No.63 dated 26.05.2021 at Police Station Khuian Sarwar, District Fazilka, under Section 15(c) of the NDPS Act (Section 29 of the NDPS Act has been added later on).
2. At the time of issuance of notice of motion, the following order was passed on 22.06.2021:

“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.63, dated 26.05.2021, under Sections 15(c) and 29 of the Narcotics Drugs and Psychotropic Substances

Act, 1985, registered at Police Station Khuian Sarwar, District Fazilka.

Learned counsel for the petitioner contends that name of the petitioner is added in the FIR on the basis of disclosure statement of co-accused-Jand Singh. It is further stated that though recovery in the case is of 60 kg of poppy husk but that is from co-accused-Jand Singh and not from the present petitioner. He further contends that there is no other case of similar nature against the petitioner. To support his arguments, he has relied upon the order dated 11.06.2021 passed by a Coordinate Bench in CRM-M-22959-2021 (Tikka Singh vs State of Punjab), wherein a similar prayer was made and granted in a case where, as per his contentions, 150 kg poppy husk was recovered from the co-accused.

Issue notice of motion.

xx xx”

3. Learned State counsel upon instructions has informed that pursuant to interim directions issued by this Court, the petitioner has since joined investigation and is not required for any custodial interrogation and that he is not wanted in any other case.
4. Having regard to the aforestated position wherein the petitioner was never apprehended at the spot and no recovery was ever effected from him and he has been nominated on the basis of a disclosure statement of co-accused and is also stated to have joined investigation, the petition is accepted and the interim directions issued by this Court vide order dated 22.06.2021 are hereby made absolute subject to the condition that the petitioner shall join investigation as and when called upon to do so and cooperate with

the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

04.08.2021
Vimal

(GURVINDER SINGH GILL)
JUDGE

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