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

CRM-M-24561-2021

Date of decision : 15.12.2021

Parvinder Singh @ Parminder Singh @ IG

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Kamaldeep S. Sidhu, Advocate for the petitioner.

Mr. Sukhbeer Singh, AAG, Punjab.

VIKAS BAHL, J. (ORAL)

Prayer in the present petition is for grant of anticipatory bail to the petitioner in FIR No.424 dated 31.12.2020 registered under Sections 8, 8B, 15 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (Section 18(c) has been added later on vide GD No.30 dated 09.05.2021), at Police Station Lambi, District Sri Muktsar Sahib.

On 01.07.2021, a Coordinate Bench of this Court was pleased to pass the following order:-

“The Court has been convened through video conferencing due to Covid-19 Pandemic.

Instant petition has been filed under Section 438 Code of Criminal Procedure, 1973 seeking anticipatory bail in case FIR No. 424 dated 31.12.2020 under Sections 8, 8B and 15 (offence under Section 18(c) was added later on, vide GD No.30 dated 09.05.2021) of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short “the Act”),

registered at Police Station Lambi, District Sri Muktsar Sahib (Annexure P-1).

Counsel for the petitioner has contended that the petitioner was granted anticipatory bail by the Additional Sessions Judge, vide order dated 06.01.2021, which was made absolute on 08.01.2021, Annexure P-2 (Colly). He submits that thereafter the FSL report was received which has been misread by the learned Special Court and the petition seeking anticipatory bail was declined vide order dated 26.05.2021 (Annexure P-5). It is his categoric assertion that the recovery from the petitioner is of 3 kg and 340 grams of puppy husk plants and even from the FSL report, it is apparent that there is no recovery of morphine. He has placed reliance upon judgment of this Court in Gurcharan Singh Versus State of Haryana : Law Finder Doc id # 813966 to submit that the recovery of opium poppy husk falls within the ambit of noncommercial quantity and bar of Section 37 of the Act does not apply. Counsel submits that the petitioner, who is not involved in any other criminal case, is willing to join the investigation and co-operate with the Investigating Agency.

Notice of motion.

On asking of the Court, Mr. Sandeep Singh Deol, DAG, Punjab accepts notice on behalf of respondent-State.

List on 15.11.2021.

Meanwhile, the petitioner shall join the investigation and would come present as and when called for and in the event of arrest, he shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. He shall also abide by the conditions as specified under Section 438 (2) Cr.P.C.”

Learned counsel for the petitioner has submitted that in

pursuance of the abovesaid order dated 01.07.2021, the petitioner has joined the investigation and challan has already been presented.

Learned State Counsel, on instructions from ASI Gurmeet Singh, has submitted that the petitioner has joined the investigation on 07.07.2021 and challan has also been presented and thus, he is not required for any further custodial interrogation.

Keeping in view the abovesaid facts and circumstances, moreso the facts as mentioned in order dated 01.07.2021 and also the fact that the petitioner has joined the investigation and challan has already been presented and the fact that the petitioner is not required for further custodial interrogation, the present petition is allowed and the interim order dated 01.07.2021 is ordered to be made absolute.

However, nothing stated above shall be construed as an expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

15.12.2021*Pawan***(VIKAS BAHL)
JUDGE****Whether speaking/reasoned:-****Yes/No****Whether reportable:-****Yes/No**