

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

206

CRM-M-25224 of 2021
Date of decision: 16.09.2021

Kala Singh @ Joginder Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

(Through Video Conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Anil Kumar Bhardwaj, Advocate
for the petitioner.

Mr. Sandeep Singh Deol, DAG, Punjab.

HARSIMRAN SINGH SETHI, J.(ORAL)

The petitioner is seeking anticipatory bail in FIR No.36 dated 15.02.2021, registered under Sections 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station Sadar, District Fazilka.

Learned counsel for the petitioner contends that the petitioner has joined investigation in terms of order passed by a Co-ordinate Bench of this Court dated 05.07.2021. Order dated 05.07.2021 is as under:-

“The case has been taken up for hearing through video conferencing.

The petitioner has filed the present petition under Section 438 of the Code of Criminal Procedure, 1973 (for short 'the Cr.P.C.') for grant of anticipatory bail in case FIR No.36 dated 15.02.2021 registered under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the NDPS') at Police Station Sadar, District Fazilka.

Learned Counsel for the petitioner has submitted that the petitioner and co-accused Kala Singh were named in the FIR on the basis of alleged secret information received by the police. Pursuant to registration of FIR recovery of 1 kg. 950 gms. heroine was allegedly made from co-accused Kala Singh. The petitioner is not involved in commission of the offence and has been falsely implicated in the case on the basis of alleged disclosure statement of co-accused. There is no material against the petitioner except the disclosure statement of co-accused which is not of any substantive evidentiary value. Rigors of Section 37 of the NDPS Act are not applicable qua the petitioner. The petitioner is ready to join the investigation.

Notice of motion.

Pursuant to supply of advance copy, Mr. Rana Harjasdeep Singh, DAG, Punjab has appeared and accepted notice on behalf of the respondent-State.

Learned State Counsel seeks time to file reply.

Adjourned to 16.09.2021.

In the meanwhile, the petitioner is directed to join the investigation as and when called upon to do so. In the event of his arrest, the petitioner shall be released on interim anticipatory bail by the arresting officer/investigating officer on furnishing of bail bonds by him to the satisfaction of the arresting officer/investigating officer. The petitioner shall comply with the conditions enumerated under Section 438(2) (i) to (iii) of the Cr.P.C. In view of Section 438(2)(iv) read with Section 437(3)(b) of the Cr.P.C. Interim anticipatory bail granted to the petitioner shall also be subject to the condition that he shall not commit any similar offence under the NDPS Act after his release on interim anticipatory bail. In case of any non-compliance of the above-said conditions, the petitioner shall not be entitled to the protection of interim anticipatory bail allowed to him.”

Learned State counsel, who has also joined the proceedings

through video conference, on instructions from SI Gurjit Singh, states that

in terms of the order of this Court reproduced before, the petitioner has joined the investigation and no further interrogation of the petitioner is required at this stage.

Learned counsel for the petitioner undertakes that petitioner will join investigation and also cooperate with the investigating agency in case he is required for the same in future as well.

In view of the above, the order dated 05.07.2021 granting interim bail to the petitioner is made absolute.

However, the petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C. He shall also join investigation as and when called upon to do so.

In case at any given point of time hereinafter, it is felt by the investigating agency that petitioner is required for the investigation but is not cooperating, they will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

16.09.2021
D.Bansal

Whether speaking/reasoned Yes / No

Whether Reportable Yes / No