

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(211-1)

CRM-M-27193-2021

Date of decision:- 15.09.2021

Kuldeep Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Balbir Kumar Saini, Advocate
for the petitioner.

Mr. Prabhjot Singh Walia, AAG, Punjab.

...

SUVIR SEHGAL, J. (Oral)

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

While granting interim protection to the petitioner, this Court passed the following orders on 15.07.2021:-

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

Instant petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail in case FIR No.0015 dated 22.02.2021, registered for offences under Sections 15 and 15-C (Section 29 was added later on) of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short “the NDPS Act”), at Police Station Sadar Moga, District Moga (Annexure P-1).

Counsel for the petitioner contends that recovery of 23 bags, weighing 20 kg each of poppy husk was effected from the co-accused Gurpreet Singh and Sukhdev Singh, who in their disclosure statements, have named the petitioner as the supplier. He submits that the petitioner has been named as an accused in another FIR, registered against him under the provisions of the NDPS Act, wherein he was declared as a proclaimed offender on 29.11.2018, but he surrendered on 20.09.2020 and was released on bail on 24.11.2020. Counsel places reliance on the interim order dated 18.03.2021 (Annexure P-2), whereby co-accused Jabarjang Singh, brother of the petitioner, who has been similarly named, has been granted interim protection.

Notice of motion.

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

List on 15.09.2021.

To be heard with CRM-M-12456-2021.

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.

While joining the investigation, petitioner shall furnish an undertaking to the effect that henceforth he will not indulge in any criminal activity. In case, he violates the undertaking, it shall be open to the prosecution to seek cancellation of bail.”

Interim protection granted to the co-accused, Jabarjang Singh, in CRM-M-12456-2021, has been made absolute by this Court by an order passed on even date.

Learned State counsel, upon instructions, from SI Balwinder Singh submits that the petitioner has joined the investigation and he is no longer required for custodial interrogation. Upon further instructions, he submits that besides the FIR mentioned in the above reproduced order, there is no other criminal case against the petitioner.

In view of the above facts, but without commenting on the merits of the case, the present petition is allowed. Order dated 15.07.2021 is made absolute, subject to the conditions laid down in Section 438 (2) of the Code of Criminal Procedure.

15.09.2021
Kamal

(SUVIR SEHGAL)
JUDGE

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