

217

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

**CRM-M No.28529 of 2021
Date of Decision:22.09.2021**

VED PARKASH

.....Petitioner

Vs

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:Mr.Sandeep Kumar Passi, Advocate
for the petitioner.

Mr. Bhupender Beniwal, AAG, Punjab.

RAJ MOHAN SINGH, J. (Oral)

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

Petitioner seeks grant of anticipatory bail under Section 438 Cr.P.C in case bearing FIR No.102 dated 16.06.2021 registered under Sections 22 of the NDPS Act and Section 29 (added later on) of the NDPS Act, at Police Station City Fazilka, District Fazilka.

Learned counsel for the petitioner submits that notice of motion was issued on 23.07.2021 and interim anticipatory bail was granted to the petitioner on the premise that the petitioner was implicated on the basis of alleged disclosure statement of co-accused Sandeep Kumar and there was no other material available on record except the disclosure statement. The complicity of the petitioner on the basis of alleged disclosure statement would remain debatable and rigour of Section 37 of NDPS Act would not apply.

On 23.07.2021, following order was passed:-

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.102 dated 16.06.2021 registered under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the NDPS') at Police Station City Fazilka, District Fazilka to which Section 29 of the NDPS is added later on.

Learned Counsel for the petitioner has submitted that the petitioner was not named in the FIR and 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-Sandeep Kumar. There is no material against the petitioner except the disclosure statement of coaccused 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. P.S. Walia, Asstt. A.G. Punjab has appeared and accepted notice on behalf of the respondent-State.

Learned State Counsel seeks time to file reply.

Adjourned to 22.09.2021.

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) of the Cr.P.C. failing which she shall not be entitled to the protection of interim anticipatory bail allowed to him.

Learned counsel for the petitioner submits that in compliance of the order dated 23.07.2021, petitioner has joined the investigation to the entire satisfaction of the Investigating

Officer.

Learned State counsel on instructions from ASI Balkar Singh admits the aforesaid fact and submits that the petitioner has joined the investigation on 04.08.2021 and his presence is no more required for further investigation in the case.

In view of aforesaid factual position, the interim order dated 23.07.2021 is made absolute. Petitioner shall keep on joining the investigation as and when required to do so and he shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

Petition stands disposed of.

22.09.2021
Amandeep

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No