

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

(201)

CRM-M-31170-2021.
Date of Decision:-12.11.2021.

Harpreet Singh alias Happy

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Amaninder Singh Sekhon, Advocate for the petitioner.

Mr. Karanbir Singh, AAG, Punjab.

VIKAS BAHL, J. (Oral)

This is the first petition under Section 438 of Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.103 dated 01.06.2021, under Sections 21 (b) of NDPS Act, 1985, registered at Police Station Sadar, Faridkot, District Faridkot (later on offence under Sections 29/61/85 of NDPS Act was added) .

On 05.08.2021, a Cordinate 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 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail in case FIR No.103 dated 01.06.2021, registered for offence under Section 21(b) of Narcotic Drugs and

*Psychotropic Substances Act, 1985 (for short “the NDPS Act”)
(Annexure P-1) (Section 29 of NDPS Act was added later on).*

Counsel for the petitioner contends that neither the petitioner is named in the FIR (Annexure P-1) nor any recovery has been effected from him. He urges that the petitioner has been arraigned as an accused on the basis of disclosure statement of co-accused, Arpanbir Singh, which was recorded three days after the registration of FIR. He argues that the disclosure statement of co-accused recorded in police custody is inadmissible in evidence. Still further, it is his argument that the co-accused has been released on regular bail, vide order dated 23.07.2021 (Annexure P- 4) by the learned Special Court, Faridkot, as the recovery effected from him fell within the ambit of intermediate quantity under the provisions of NDPS Act. He categorically asserts that the petitioner has unblemished antecedents and he is ready 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 12.11.2021.

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

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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 above order, the petitioner has joined the investigation.

Learned State counsel, on instructions from ASI Jasbeer Singh has submitted that the petitioner has joined the investigation and is not required for further investigation.

Keeping in view the above-said facts and circumstances, moreso which have been noticed in the order dated 05.08.2021 and also the fact that the petitioner has joined the investigation and is no more required for further investigation, the present petition for grant of anticipatory bail is allowed and the interim order dated 05.08.2021 is made absolute.

However, nothing stated above shall be construed as a final 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.

(VIKAS BAHL)
JUDGE

November 12, 2021.

sandeep

Whether speaking/reasoned:-

Yes/No

Whether Reportable:-

Yes/No