

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-32420-2021 (O&M)
Date of Decision:- 02.12.2021

Baljinder Singh Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. C.S.Jattana, Advocate for
Mr. Arshdeep Singh Brar, Advocate, for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab,
assisted by ASI Butta Singh.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered against him vide FIR No. 95, dated 29.5.2021, Police Station Baghapurana, District Moga, under Section 22 NDPS Act (Section 29 of NDPS Act added later on).
2. At the time of issuance of notice of motion the following order was passed on 12.8.2021:

“Learned counsel for the petitioner submits that he has falsely been implicated in the instant case and was never ever arrested at the spot. Learned counsel further submits that in fact the case of the prosecution is that it is one Navdeep Singh, who was apprehended by the police while in

possession of 1500 tablets of Ultradal-100 SR (Tramadol) and that said Navdeep Singh is alleged to have subsequently made a disclosure statement to the effect that the petitioner used to give his motor-cycle to the said Navdeep Singh so as to facilitate sale of such intoxicant tablets.

Notice of motion for 02.12.2021.

Meanwhile, in the event of arrest, the petitioner be released on interim bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join investigation as and when called upon to do so and cooperate with the Arresting/Investigating Officer and shall abide by the conditions as provided under Section 438(2) Cr.P.C.”

3. The learned State counsel, upon instructions from ASI Butta Singh, has informed that pursuant to interim directions issued by this Court, the petitioner has since joined investigation and that his custodial interrogation is not required. Learned State counsel has however, informed that during investigation it has been found that the petitioner is owner of the motorcycle on which co-accused Navdeep Singh was riding and who was apprehended at the spot while in possession of the contraband and that in these circumstances the complicity of the petitioner is evident.
4. I have considered the aforesaid submissions.
5. Even if it is accepted that the motorcycle on which co-accused was riding stands registered in the name of the petitioner, still the same *ipso facto* cannot be construed to mean that the petitioner had joined

hands with co-accused. In any case since the petitioner has already joined investigation and is stated to be having a clean record, the petition is accepted and the interim directions issued by this Court vide order dated 12.8.2021 are hereby made absolute subject to the condition that the petitioner shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

02.12.2021

Mohan

(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No