

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(217)

CRM-M-32550-2021

Date of decision: - 04.10.2021

Hardeep Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. J.K.Singla, 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 order on 12.08.2021:-

“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.120 dated 02.08.2021, registered for offences under Sections 21 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short “the NDPS Act”), at Police Station Bhikhi, District Mansa (Annexure P-1).

Counsel for the petitioner argues that the petitioner has been arraigned as an accused on the basis of the disclosure statement of co-accused, Jagsir Singh, from whom recovery of 2.67 gram heroin was effected. By placing reliance upon judgment of the Hon'ble

Supreme Court in Tofan Singh Vs. State of Tamil Nadu, Criminal Appeal No.152 of 2013, decided on 29.10.2020, he urges that the confessional statement made by co-accused before the Investigating Officer cannot be made the basis of conviction. Still further, it is his argument that the recovery effected from the co-accused falls within the category of small quantity as per the notification issued under the provisions of the NDPS Act and the petitioner, who is not involved in any other case under the NDPS Act, is ready and willing 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 04.10.2021.

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.”

Learned State counsel, upon instructions, from SI, Harpinder Kaur, submits that the petitioner has joined the investigation and he is no longer required for custodial interrogation. He has further instructions to state that the petitioner is not involved in any other case under the Narcotic Drugs and Psychotropic Substances Act, 1985.

In view of the above facts, but without commenting on the merits of the case, the present petition is allowed. Order dated 12.08.2021 is made absolute, subject to the conditions laid down in Section 438 (2) of the Code of Criminal Procedure.

04.10.2021
Kamal

(SUVIR SEHGAL)
JUDGE

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