

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

CRM-M-26840-2020 (O&M)  
Date of Decision:- 22.1.2021

**Balwinder Singh**

... Petitioner

Versus

State of Punjab

... Respondent

**CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL**

Present:- Ms. Manjot Kaur, Advocate, for the petitioner.

Mr. H.S.Multani, AAG, Punjab,  
assisted by SI Darbara Singh.

*(Proceedings conducted through video conferencing)*

\*\*\*\*\*

**GURVINDER SINGH GILL, J. (Oral)**

1. The petitioner seeks grant of anticipatory bail in a case registered vide FIR No.93, dated 5.7.2020, Police Station City Samana, District Patiala, under Section 22 of NDPS Act (Section 25/29 of NDPS Act added later on).
2. At the time of issuance of notice of motion on 9.9.2020, the following order was passed :-

“The learned counsel for the petitioner submits that the FIR came to be lodged pursuant to receipt of secret information by the police to the effect that one Gurpreet Singh @ Bhim @ Kala @ Gandasimar, who is driving a canter, is bringing contraband in his canter and that pursuant to the said information, the police was able to apprehend the canter in question

alongwith Gurpreet Singh @ Bhim @ Kala @ Gandasimar and Tarsem Singh and from which 49500 tablets of 'Tramadol Hydrochloride Clovidol- 100 SR' were recovered.

The learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case solely on the ground that he happens to be registered owner of the canter in question although the petitioner could not be attributed any conscious possession of the same as he was never aware as to what was being transported in his canter, which was being driven by Gurpreet Singh @ Bhim @ Kala @ Gandasimar, and that in these circumstances if any such contraband was there in truck (canter), the same was without the consent or knowledge of the petitioner.

Notice of motion for 22.1.2021.

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 the 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.”

3. Learned State counsel, upon instructions from SI Darbara Singh has informed that the petitioner has joined the investigation. It has, however, been submitted that the petitioner is involved in four other cases and that he is not fully cooperating with the police inasmuch as he is not disclosing the complete details from where he had received the contrband.

4. I have considered rival submissions addressed before this Court.
5. Having regard to the facts and circumstances of the case especially that the petitioner was not arrested at the spot and that he has been arrested on the ground that he happens to be the registered owner of the truck in question, it will certainly be debatable as to whether the petitioner indeed can be attributed conscious possession of the contraband or not. The petition, as such, is accepted and the interim directions issued by this Court vide order dated 9.9.2020 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.

**January 22, 2021**  
mohan

**(GURVINDER SINGH GILL)**  
**JUDGE**

|                            |          |
|----------------------------|----------|
| Whether speaking /reasoned | Yes / No |
| Whether Reportable         | Yes / No |