

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

210

CRM-M-32455-2021

Date of Decision: 25.11.2021

Harbhajan Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Lakhwinder Dandiwal, Advocate,
for the petitioner.

Mr. Harbir Sandhu, AAG, Punjab,
assisted by ASI Pooran Singh.

(proceedings conducted through video conferencing)

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.103 dated 13.07.2021 at Police Station City-1 Mansa, District Mansa, under Sections 21/29 of the NDPS Act.
2. At the time of issuance of notice of motion on 12.08.2021, the following order was passed:

“Learned counsel for the petitioner submits that he has falsely been implicated in the instant case and was never arrested at the spot nor any recovery was effected from him.

As per the case of the prosecution one Hardeep Singh was apprehended by the police and from whose possession 8 grams of smack was recovered. It is alleged that said Hardeep Singh during interrogation disclosed that the smack in question has been supplied to him by the petitioner Harbhajan Singh.

Notice of motion for 25.11.2021.

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. Learned State counsel upon instructions has informed that pursuant to interim directions issued by this Court, the petitioner has since joined investigation and is not required for any custodial interrogation. It has further been informed that the petitioner happens to be involved in 2 other cases i.e. one under the Excise Act and another under the NDPS Act.
4. Having regard to the aforestated position, wherein the petitioner is stated to have joined investigation and also bearing in mind the fact that the contraband recovered i.e. 8 grams ‘smack’ from the petitioner falls within the ‘non commercial’ quantity, the petition is accepted and the interim directions issued by this Court vide order dated 12.08.2021 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.

25.11.2021

Vimal

**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking/reasoned: **Yes/No**
Whether reportable: **Yes/No**