

CRM-M No.33653 of 2021

Date of Decision : 08.09.2021

Jaswant Singh

...Petitioner

Versus

State of Punjab

....Respondent

Coram : Hon'ble Mr. Justice B.S. WaliaPresent : Mr. F.S. Virk, Advocate for the petitioner.
Mr. Sukhbeer Singh, AAG, Punjab.

B.S. Walia, J. (VC)

1. Case is being taken up for hearing through Video Conferencing due to Covid-19 pandemic.

2. Prayer in the petition under Section 438 Cr.P.C. is for grant of pre-arrest bail to the petitioner in case FIR No.06 dated 13.01.2021, registered under Section 15, NDPS Act to which Section 29, NDPS Act was added later on at Police Station Bhadson, District Patiala.

3. On 19.08.2021, the following order was passed:-

“ Case is being taken up for hearing through Video Conferencing due to Covid-19 pandemic.

Learned counsel contends that the petitioner has been implicated in the instant case on the arrest of co-accused, Kulwant Singh, from whom on 13.01.2021, 15 kg of poppy husk was recovered and who made a disclosure statement implicating the petitioner as the person from whom he had purchased the poppy husk. Learned counsel contends that apart from the disclosure statement there is no other material to connect the petitioner with the commission of the offence besides there is no other case registered against him under the

NDPS Act and the petitioner is also ready and willing to join investigation and to fully cooperate in the same.

Notice of motion.

Mr. Sukhbeer Singh, AAG, Punjab, accepts notice and on instructions from ASI, Balkar Singh, confirms that the petitioner has been implicated in the instant case solely on the basis of disclosure statement made by co-accused, Kulwant Singh, from whom 15 kg of poppy husk was recovered and that apart from the disclosure statement, there is no other material to connect the petitioner with the commission of the offence besides no other case under the NDPS Act, is registered against the petitioner. He, however, requests for an adjournment to file reply and argue the case.

Adjourned to 08.09.2021.

In the meantime, the petitioner is directed to join investigation and fully cooperate with the police. However, in the event of arrest, the petitioner be released on ad-interim pre-arrest bail, subject to his furnishing bail / surety bonds to the satisfaction of the Arresting / Investigating Officer. The petitioner shall abide by the conditions envisaged under Section 438(2) Cr.P.C., failing which, the interim protection granted to the petitioner, shall stand vacated. ”

4. Today, learned counsel for the petitioner contends while learned State counsel on instructions from *ASI Balkar Singh*, confirms that pursuant to the order of this Court dated 19.08.2021, the petitioner joined investigation, fully cooperated with the police, was released on ad interim pre arrest bail and that his custodial interrogation is not required and that in the circumstances, he does not wish to file reply.

5. In view of the statement of learned State counsel, order dated 19.08.2021, passed by this Court, is made absolute. The petitioner shall

abide with the conditions enumerated in Section 438(2) Cr.P.C. However, nothing stated hereinabove shall be read as an expression of opinion on the merits of the case.

6. Petition stands *disposed of* in the aforementioned terms.

(B.S. Walia)
Judge

08.09.2021
'Amit'

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