

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(203)

CRM-M-30634-2020

Date of Decision : October 26, 2021

Jugraj Singh

.. Petitioner

Versus

State of Punjab

.. Respondent

(Through Video Conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Surinder Gandhi, Advocate, for the petitioner.

Mr. Kirat Singh Sidhu, Deputy Advocate General, Punjab.

HARSIMRAN SINGH SETHI J. (ORAL)

The petitioner is seeking anticipatory bail in FIR No. 100 dated 11.05.2020 registered under Section 27 of the Narcotic Drugs and Psychotropic Substances Act, 1985, Sections 188, 269 and 270 of the Indian Penal Code, 1860, Section 51B of the Disaster Management Act, 2005 and Sections 25 and 27 of the Arms Act, 1959 at Police Station Bhikiwind, District Tarn Taran.

Learned counsel for the petitioner contends that the petitioner has joined investigation in terms of order passed by the Coordinate Bench of this Court dated 01.10.2020. Order dated 01.10.2020 is as under:-

“The case has been taken up for hearing through video conferencing.

The petitioner has filed present petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail in case FIR No.100 dated 11.05.2020

registered under Section 27 of the Narcotic Drugs and Psychotropic Substances Act, 1985; Sections 188, 269 and 270 of the Indian Penal Code, 1860; Section 51B of the Disaster Management Act, 2005 and Sections 25 and 27 of the Arms Act, 1959 in Police Station Bhikiwind, District Tarn Taran.

Learned Counsel for the petitioner has submitted that the petitioner has been falsely implicated in the case. FIR was registered against Gurpreet Singh @ Gopi and Sarabjit Singh on the basis of secret information. No recovery of intoxicants was made from them. During investigation names of Sukhdev Singh and Mahavir Singh were also added in the FIR on the basis of disclosure statement made by Gurpreet Singh @ Gopi. Thereafter, on disclosure statement of co-accused, the petitioner has been implicated in the FIR. The said disclosure statement is not admissible in evidence and is not of any evidentiary value against the petitioner. The petitioner is ready to join the investigation.

Notice of motion.

Pursuant to supply of advance copy of the petition, Mr.Randhir Thind, DAG, Punjab has appeared and accepted notice on behalf of the respondent-State.

Learned State Counsel seeks time to file reply.

Adjourned to 03.12.2020.

In the meanwhile, the petitioner is directed to join the investigation as and when called upon to do so. In the event of his arrest, the petitioner shall be released on interim bail by the arresting officer/investigating officer on furnishing of bail bonds by him to the satisfaction of the arresting officer/investigating officer. The petitioner shall comply with the conditions enumerated under Section 438(2) of the Cr.P.C. failing which he shall not be entitled to the protection of interim bail allowed to him.”

Learned State counsel, who has also joined the proceedings

through video conference, on instructions from ASI Tarsem Singh, states

that in terms of the order of this Court reproduced before, the petitioner has joined the investigation and no further interrogation is required at this stage.

Learned counsel for the petitioner undertakes that petitioner will join investigation and also cooperate with the investigating agency in case he is required for the same in future as well.

In view of the above, the order dated 01.10.2020 granting interim bail to the petitioner is made absolute.

However, the petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C. He shall also join investigation as and when called upon to do so.

In case at any given point of time hereinafter, it is felt by the investigating agency that petitioner is required for the investigation but is not cooperating, they will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

October 26, 2021
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No