

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

103/2)

CRM-M-38070 of 2021

Date of Decision: 10.11.2021

Bhim Singh

...Petitioner

Versus

State of Punjab

...Respondent

2)

CRM-M-46308 of 2021

Gaurav Sharma

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. Divya Sharma, Advocate,
for the petitioner in sr. no.2.
Ms. Manpreet Ghuman, Advocate
for the petitioner in sr. no.1.
Mr. Rana Harjasdeep Singh, DAG, Punjab

Amol Rattan Singh, J. (Oral)

Case heard by way of video conferencing.

CRM-M-46308 of 2021

On 03.11.2021, the following order had been passed:-

“Case heard via video conferencing.

By this petition, the petitioner seeks the concession of anticipatory bail, upon FIR no.110, dated 26.7.2021, having been registered at Police Station STF, Phase-4, Mohali, alleging therein the commission of offences punishable under Sections 22 and 29 of the NDPS Act, 1985.

Learned counsel for the petitioner submits that the petitioner has allegedly been named in a disclosure statement made by his co-accused who, as per the case of the investigating agency, was arrested with a large quantity of contraband. He further submits that there is no other criminal case registered against the petitioner.

Whereas, as is always observed by this court in such like cases, that if there is no other criminal case registered against the petitioner it would be difficult to understand as to how the police would 'dream up' the petitioners' name unless it was actually disclosed to them, however yet since a statement made in custody would normally not be admissible in evidence, notice of motion is issued.

Mr.Rana Harjasdeep Singh, learned DAG, Punjab, accepts notice at the asking of the court.

Adjourned to 10.11.2021.

To be heard along with CRM-M no.38070 of 2021.

A common reply be filed to both the petitions by a gazetted officer.

In the meanwhile, without making any comment on the actual merits of the case, the petitioner is directed to join investigation within one week and upon him so joining if he is sought to be arrested, he shall be released on bail, on his furnishing adequate bail and surety bonds to the satisfaction of the arresting officer/Ilaqa Magistrate.

He shall also comply with all conditions stipulated in Section 438(2) of the Cr.P.C.

If the investigating officer does not actually join the petitioner in investigation, he would appear before the learned Ilaqa Magistrate immediately, who would then summon the arresting officer and direct him to join him in investigation, in terms of the order of this court.”

Today, learned State counsel, on instructions from Sub-Inspector Gurcharan Singh, submits that the petitioner in this petition has joined investigation and presently at least his custodial interrogation is not required.

That being so, without making any comment on the actual merits of the case, whatsoever, since the investigating agency itself does not require the custodial interrogation of the petitioner, this petition has in fact been rendered infructuous and is disposed of as such.

However, if the petitioners' custodial interrogation is required at

any stage hereinafter, in the context of the FIR in question, he would be given 10 days notice before arrest, duly shown to be served upon him.

CRM-M-38070 of 2021

Two affidavits having been filed on behalf of the respondent State, today learned counsel for the petitioner submits that he no longer wishes to pursue this petition.

Dismissed as withdrawn.

A copy of this order be placed on the file of the other connected matter too.

10.11.2021
vcgarg

(AMOL RATTAN SINGH)
JUDGE

Whether reasoned/speaking: Yes
Whether reportable: No