

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

CRM-M-38966-2020 (O&M)

Date of Decision:- 1.9.2021

Saroop Singh @ Ghulla

.... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Dheeraj Mahajan, Advocate, for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab,
assisted by SI Balwinder 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. 206, dated 29.10.2020, Police Station Sadar, Batala, District Gurdaspur, under Sections 21/61/85/29 of NDPS Act (Sections 379, 411, 465, 467, 468, 471, 473, 201 IPC added later on).
2. At the time of issuance of notice of motion on 25.11.2020 the following order was passed:

“The learned counsel for the petitioner contends that it is a case where 06 grams of 'Heroin' was recovered from one Jagga Masih, who during the course of interrogation made a disclosure statement to the effect that it is the petitioner who had supplied the contraband.

Notice of motion for 22.04.2021.

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 has informed that pursuant to interim directions issued on 25.11.2020, the petitioner has since joined investigation and that the petitioner is not wanted for any custodial interrogation and is not wanted in any other case.
4. In view of the aforesaid position, wherein this Court finds that the petitioner was not arrested at the spot and has been nominated on the basis of a disclosure statement and has since joined investigation and is not even stated to be involved in any other case, his custodial interrogation is not warranted. The petition, as such, is accepted and the interim directions issued by this Court vide order dated 25.11.2020 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.

1.9.2021

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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No