

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

206

**CRM-M-43914-2020 (O&M)  
Date of Decision: 27.04.2021**

Rajwinder Singh ...Petitioner

Versus

State of Punjab ...Respondent

**CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL**

Present: Ms. Puja Chopra, Advocate, for the petitioner.

Mr. Ajay Pal Singh Gill, Addl. AG, Punjab,  
assisted by ASI Sinder Singh.

*(proceedings conducted through video conferencing)*

**GURVINDER SINGH GILL, J. (Oral)**

1. The petitioner seeks grant of anticipatory bail in respect of a case registered against him vide FIR No.93 dated 05.07.2020 at Police Station City Samana, District Patiala, under Section 22 of the NDPS Act (Sections 25/29 of the NDPS Act have been added later on).
2. At the time of issuance of notice of motion on 15.01.2021, the following order was passed:

“Learned counsel for the petitioner submits that in the instant case a secret information was received against Gurpreet Singh to the effect that he is coming in a canter vehicle and bringing a large quantity of intoxicating tablets and that pursuant to the said information the aforesaid Gurpreet Singh and one Tarsem Singh were apprehended and from whose possession 49500 tablets of ‘Tramadol Hydrochloride Clovidol-11 SR’ were recovered. It has been

submitted that the petitioner was never ever apprehended at the spot and has subsequently been nominated as an accused on the basis of a disclosure statement allegedly made by Tarsem Singh, which can hardly carry any evidentiary value.

Notice of motion for 26.4.2021.

xx

xx”

3. Learned State counsel upon instructions has informed that pursuant to interim directions issued by this Court, the petitioner has since joined investigation. It has further been informed that the petitioner on an earlier occasion was involved in a case of recovery of 15 grams of ‘*chitta*’ in which he is already on bail.
4. Having regard to the fact that the petitioner was never arrested at the spot and has been nominated on the basis of a disclosure statement made by co-accused, the veracity and admissibility of which would be debatable and while also noticing that the petitioner has since joined investigation, his custodial interrogation is not warranted. The petition, as such, is accepted and the interim directions issued by this Court vide order dated 15.01.2021 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.

**27.04.2021**

Vimal

**(GURVINDER SINGH GILL)**  
**JUDGE**

Whether speaking/reasoned:  
Whether reportable:

Yes/No  
Yes/No