

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

202

CRM-M-43918 of 2020
Date of Decision : 02.11.2021

Nirmal Singh @ Nikka

...Petitioner

Versus

State of Punjab

...Respondent

(Through Video Conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Laghuinder Singh Sekhon, Advocate for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab.

Harsimran Singh Sethi, J. (Oral)

Petitioner is seeking anticipatory bail in FIR No.151 dated 07.07.2020 (wrongly mentioned as 07.07.2019 in order Annexure P/2)) registered under Sections 15 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Amargarh, District Sangrur.

Learned counsel for the petitioner contends that the petitioner has joined investigation in terms of order passed by this Court on 26.08.2021. Order dated 26.08.2021 is as under:-

“CRM-4217-2021

This is an application filed under Section 482 Cr.P.C. for placing on record Annexure A-1 and Annexure A-2.

For the reasons stated in the application, application is allowed.

Annexures A-1 and A-2 are ordered to be placed

on record.

CRM-M-43918-2020

The present petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail to the petitioners in respect of FIR No.151 dated 07.07.2021 registered under Sections 15 and 29 of NDPS Act, 1985 registered at Police Station Amargarh, District Sangrur.

Learned counsel for the petitioner argues that no recovery was done from the petitioner and the recovery of 20 kg. of poppy husk was done from the co-accused namely Palwinder Singh @ Pali and as the petitioner is ready to join and cooperate, the petitioner be granted the benefit of anticipatory bail.

Notice of motion for 2.11.2021.

A co-ordinate Bench of this Court while issuing notice of motion on 19.02.2021 had stayed the arrest of the petitioner.

Mr. V. G. Jauhar, Senior DAG, Punjab, who has joined the proceedings through video conference, does not dispute the fact that no recovery has been done from the petitioner and the petitioner has only been nominated in the present FIR on the basis of disclosure statement of the co-accused Palwinder Singh @ Pali.

I have learned counsel for the parties and have gone through the record of the case with their able assistance.

Once, the petitioner has been nominated in the present case only on the basis of disclosure statement of the co-accused and nothing has been recovered from the petitioner and no recovery is to be effected from the petitioner as of now, the purpose of investigation can be achieved, if petitioner is directed to join and cooperate in investigation.

Learned counsel for the petitioner submits that the petitioner is ready to join and cooperate in the investigation. Hence, petitioner has made out a case for

the grant of benefit of anticipatory bail.

The petitioner is directed to join the investigation forthwith.

In the event of his arrest, he shall be released on interim bail to the satisfaction of the Arresting Officer/Investigating Officer on his furnishing bail bonds/surety bonds to the satisfaction of the Arresting Officer/Investigating Officer subject to the following conditions:-

(i) That they shall make himself available for interrogation by the police officer as and when required.

(ii) That they shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing the said facts to the Court or to any police officer.

(iii) That they shall not leave India without prior permission of the Court.

(iv) That they shall abide by all the conditions as enshrined under Section 438(2) Cr.P.C”.

Learned State counsel, who has also joined the proceedings through video conference on instructions from S.I. Satwinder Singh, states that in terms of the order of this Court reproduced before, the petitioner has joined the investigation and he is not required for further interrogation, at this stage.

In view of the above, the order dated 26.08.2021 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 co-operating, it will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

November 02, 2021

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(HARSIMRAN SINGH SETHI)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No