

CRM-M-50393-2021

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

(205)

CRM-M-50393-2021.
Date of Decision:-21.12.2021.

Ranjit Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Ashok Giri, Advocate for the petitioner.

Mr. Sarabjit S. Cheema, AAG, Punjab.

VIKAS BAHL, J. (Oral)

This is the first petition under Section 438 of Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.133 dated 02.11.2021 under Section 15 (c) (Section 29 added later on) of the NDPS Act, 1985, registered at Police Station Bhogpur, District Jalandhar.

On 02.12.2021, this Court was pleased to pass the following order:-

“Learned counsel for the petitioner inter alia contends in the present case, the recovery of 110 kg of poppy husk was from two coaccused persons namely Chaman Lal and Shinderpal Singh and the petitioner is sought to be implicated in the case on the basis of alleged disclosure statement of the said persons to the effect that the said narcotic drug was to be

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supplied to the petitioner. It is further argued that there is no allegation that the petitioner had supplied the drug to the said persons.

*Learned counsel for the petitioner has relied upon an order passed by Coordinate Bench of this Court dated 17.06.2020 in CRM-M-12051-2020 titled “**Mewa Singh Vs. State of Punjab**”, and an order of another Coordinate Bench dated 16.07.2021 passed in **CRM-M-12997-2020** titled as “**Daljit Singh Vs. State of Haryana**” to contend that in such like cases if a person has only been proceeded against on the basis of disclosure statement of co-accused and no recovery has been effected from the petitioner, then he should be granted the benefit of anticipatory bail.*

Notice of motion.

On asking of the Court, Mr. Sarabjit S. Cheema, AAG, Punjab, appears and accepts notice on behalf of State of Punjab and seeks time to get instructions.

Adjourned to 21.12.2021.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

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Learned counsel for the State is also directed to get instructions as to whether there are any phone call details between the said co-accused persons and the petitioner or any other incriminating evidence against the petitioner.”

Learned counsel for the petitioner as well AS learned State counsel, on instructions from SI Navdeep Kaur, has submitted that in pursuance of the above order, the petitioner has joined the investigation on 09.12.2021 and is not required for further investigation.

Keeping in view the above-said facts and circumstances moreso, the facts which have been noticed in the order dated 02.12.2021 and also the fact that the petitioner has joined the investigation and is not required for further investigation, the present petition for grant of anticipatory bail to the petitioner is allowed and the interim order dated 02.12.2021 is made absolute.

However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

(VIKAS BAHL)
JUDGE

December 21, 2021.

sandeep

Whether speaking/reasoned:-

Yes/No

Whether Reportable:-

Yes/No