

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(203)

CRM-M-304-2022

Date of decision: - 14.02.2022

Jasvir Singh @ Jagraj

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Parminder Singh Sekhon, Advocate,
for the petitioner.

Mr. Sarabjit S. Cheema, AAG, Punjab.

(Through Video Conferencing)

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.54 dated 27.10.2021, under Sections 22 and 29 of the Narcotic Drugs & Psychotropic Substances Act, 1985, registered at Police Station Ahmedgarh, District Malerkotla,

On 07.01.2022, this Court was pleased to pass the following order:-

“Learned counsel for the petitioner inter alia contends that in the present case, no recovery has been effected from the petitioner and the petitioner has been implicated in the matter only on the basis of

*disclosure statement made by the co-accused. It is further submitted that even the FSL report in the present case has not been received as yet and the petitioner is not involved in any other case. He 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 advance notice, Mr. Sukhbeer Singh, AAG, Punjab, appears and accepts notice on behalf of the State and seeks time to get instructions.

Adjourned to 14.02.2022.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to his 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.

Learned counsel for the State is directed to get instructions as to whether there are any call details between the petitioner and the co-accused from whom the alleged recovery has been effected or there is any incriminating evidence against the petitioner other than the disclosure statement of the co-accused.”

Learned counsel for the petitioner has submitted that in pursuance of the above-said order, the petitioner has joined the investigation.

Learned State counsel, on instructions from ASI Sukhwinder Singh, has submitted that the petitioner has joined the investigation and is not required for further investigation and there are no call details between the petitioner and the co-accused from whom the alleged recovery has

been made.

Keeping in view the fact that the petitioner has joined the investigation and is not required for further investigation and also the fact that there are no call details between the petitioner and co-accused, the present petition for grant of anticipatory bail to the petitioner is allowed and the interim order dated 07.01.2022 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.

February 14, 2022
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes
No