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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-822-2022 (O&M)

Date of decision: 03.03.2022

PARAMJIT SINGH @ PAMMA

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE SANT PARKASH

Present:- Mr. Prateek Pandit, Advocate
for the petitioner.

Mr. Dhruv Dyal, Sr.DAG, Punjab.

SANT PARKASH, J. (ORAL)

Case is taken up for hearing through video conferencing.

Through this petition, petitioner seeks anticipatory bail under Section 438 Cr. P. C. in case FIR No. 58 dated 23.06.2021 registered under Sections 22 and 29 of the NDPS Act at Police Station Dhilwan, District Kapurthala.

On 12.01.2022, this Court has passed the following order :-

“The instant petition has been filed under Section 438 Cr.P.C. seeking grant of anticipatory bail in case FIR No.58 dated 23.06.2021, registered under Sections 22 and 29 of NDPS Act, 1985 at P.S. Dhilwan, District Kapurthala.

It is contended that the petitioner has not been named in the FIR and has been nominated only on the basis of disclosure statement of co-

accused Sewa Singh, who himself was nominated on the basis of disclosure statement of main accused Malkit Singh. The petitioner was neither present at the spot nor anything has been recovered from his possession. It is further contended that both the co-accused of the petitioner namely Malkit Singh and Sewa Singh, from whose possession the alleged recovery of intoxicant tablets has been effected, have already been granted concession of regular bail by Special Court, Kapurthala vide orders dated 19.07.2021 and 05.08.2021 (Annexures P-2 and P-3 respectively).

Notice of motion for 23.03.2022.

Mr. Tanvir Joshi, Assistant Advocate General, Punjab accepts notice on behalf of the respondent-State. Copy of the paper book be supplied to learned State counsel, during the course of the day by hand or through e-mail.

In the meanwhile, petitioner is directed to join the investigation. In the event of arrest, petitioner shall be released on pre-arrest bail at the satisfaction of the Arresting Officer/Investigating Officer subject to the following conditions, as envisaged under section

438(2) Cr.P.C:-

(i) that the petitioner shall make himself available for interrogation by a police officer as and when required;

(ii) that the petitioner 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 him from disclosing such facts to the Court or to any police officer;

(iii) that the petitioner shall not leave India without the previous permission of the Court.”

Learned State counsel on instructions from ASI Balwinder Singh, submits that though the petitioner has joined the investigation, yet recovery is to be effected. He further states that the main accused Malkeet Singh and Sewa Singh from whom the alleged recovery has been effected, have already been granted bail.

In view of the above and the petitioner having joined the investigation, the order dated 12.01.2022 passed this Court is made absolute, subject to the conditions envisaged under Section 438(2) Cr.P.C.

Disposed of accordingly.

(SANT PARKASH)
JUDGE

03.03.2022

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Whether reasoned/speaking? Yes/No

Whether reportable? Yes/No