

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

204

CRM-M-3399-2022

Date of Decision : **July 15, 2022**

BALDEV SINGH

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Mr. A.S.Bhatti, Advocate
for the petitioner.

Mr. Davinder Bir Singh, DAG, Punjab.

JASGURPREET SINGH PURI. J. (Oral)

The learned counsel for the petitioner has submitted that in the present case, the petitioner has been falsely implicated. He submitted that as per the allegations the police received an information that 2 kgs of Heroin have been kept in the border area which was recovered by the police and thereafter two persons, namely, Sona Singh and Karaj Singh were arrested. Thereafter, from Sona Singh there was recovery of 20 grams of Heroin and on his disclosure statement the petitioner was nominated. He further submitted that the petitioner is only the brother of the aforesaid Sona Singh and is not involved in any other case and has clean antecedents and there is no other material available with the police to connect the petitioner with the present offence except disclosure statement of the co-accused which is not admissible in evidence. He submitted that the petitioner was granted interim bail on 31.1.2022 and was directed to join the investigation and in pursuance of the aforesaid

order, the petitioner has already joined the investigation and has fully cooperated with the investigation process and, therefore, the aforesaid order may be confirmed.

On the other hand, the learned State counsel on instructions from ASI Sukhmander Singh, who is present in the Court has stated that it is correct that the petitioner has clean antecedents and is not involved in any other case and his name was nominated only on the basis of the disclosure statement of co-accused Sona Singh. He has further submitted that the petitioner has already joined the investigation and has fully cooperated with the investigation process and he is not required for custodial investigation.

In view of the specific stand taken by the learned State counsel on instructions that the petitioner is not required for custodial investigation, the bar contained under Section 37 of NDPS Act will not apply in the present case because the State has not opposed the prayer for the grant of bail.

In view of the above, the present petition is allowed and order dated 31.1.2022 is, hereby, made absolute.

(JASGURPREET SINGH PURI)
JUDGE

July 15, 2022
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Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No