

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH.**

207

CRM-M-4877-2022

Date of decision: 20.04.2022

KULWANT SINGH

.....PETITIONER

Versus

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANT PARKASH

Present : Mr. Jashandeep Singh Sandhu, Advocate
for the petitioner.

Mr. Tanvir Joshi, AAG, Punjab

SANT PARKASH, J. (ORAL)

Prayer in this petition under Section 438 of the Code of Criminal Procedure, 1973 is for grant of anticipatory bail to the petitioner, in case, FIR No. 562 dated 20.11.2021 registered under Section 22 of the NDPS Act, 1985 at Police Station City Barnala, District Barnala to which Section 29 of the NDPS Act added later on.

While issuing notice of motion on 07.02.2022, this Court, granted interim anticipatory bail to the petitioner with direction to join the investigation. Relevant part of order dated 07.02.2022 reads as under :-

“It is contended that the petitioner has not been named in the instant FIR. He was neither present at the spot nor anything has been recovered from him. He has been nominated only on the basis of disclosure statement of co-accused, from whose possession the alleged recovery of 1450 tablets of tramadol has been effected.

Notice of motion for 01.04.2022.

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.....”*

I have heard learned Counsel for the parties and gone through the case file.

Learned Counsel for the petitioner has, while reiterating submissions made on 07.02.2022, submitted that the petitioner has joined the investigation and he may be granted anticipatory bail as his custodial interrogation is not required in the case.

Learned State Counsel has, on instructions from A.S.I. Amarjit Singh, acknowledged that in compliance with order dated 07.02.2022 passed by this Court, the petitioner has joined the investigation and that his custodial interrogation in the present case is not required.

In view of the facts and circumstances of the case, particularly the fact that custodial interrogation of the petitioner is not required in the case but without expressing any opinion on the merits of the case, I am of the considered view that the petitioner deserve grant of anticipatory bail.

Therefore, the petition is allowed and order dated 07.02.2022 granting interim bail to the petitioner is made absolute.

20.04.2022
kavneet singh

(SANT PARKASH)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No