

In the High Court of Punjab and Haryana at Chandigarh

210

CRM-M-7825-2020 (O & M)

Date of Decision: January 12, 2022

SAMUAL

.....PETITIONER

VERSUS

STATE OF PUNJAB

....RESPONDENT

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr.Rakesh Sobti, Advocate for the petitioner.

Ms. Amarjit Kaur Khurana, DAG, Punjab.

ANUPINDER SINGH GREWAL, J (ORAL)

Case taken up through video conferencing.

On 24.02.2020, a Coordinate Bench of this Court had passed the following order:-

“The petitioner has filed this petition under Section 438 of the Code of Criminal Procedure, 1973 (for short 'the Cr.P.C.') for grant of anticipatory bail in case FIR No. 147 dated 19.08.2019 registered under Sections 21, 25 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the NDPS Act') and Section 25 of the Arms Act, 1959 at Police Station Ajnala, District Amritsar (Rural) to which Sections 420, 465, 467, 468, 471 and 482 of the Indian Penal Code, 1860 have been added lateron.

Learned Counsel for the petitioner has submitted that the petitioner was not named in the FIR and was not apprehended on the spot. No recovery was made from him. The petitioner has been falsely implicated on the basis of disclosure statement made by co-accused. The petitioner is

not involved in any case under the NDPS Act. Provisions of Section 37(1) (b) are not applicable qua the petitioner. The petitioner is ready to join the investigation.

Notice of motion.

On the asking of the Court, Mr. Arun Kaundal, DAG, Punjab accepts notice on behalf of the respondent-State. Copy of the paper book has been supplied to the Learned State Counsel, who seeks time to complete his instructions.

Adjourned to 04.05.2020.

In the meanwhile, the petitioner is directed to join the investigation as and when called upon to do so. In the event of his arrest, the petitioner shall be released on interim bail by the arresting officer/investigating officer on furnishing of bail bonds by him to the satisfaction of the arresting officer/investigating officer. The petitioner shall comply with the conditions enumerated under Section 438(2) of the Cr.P.C. failing which he shall not be entitled to the protection of interim bail allowed to him.”

Learned State counsel while referring to the affidavit filed by DSP, Sub Division Ajnala, Amritsar Rural, states that although the petitioner has joined the investigating but he is not cooperating. She also contends that huge recovery had been effected from the petitioner. However, in the affidavit it is not stated that there is any other material against the petitioner; besides, the statement of the co-accused.

Heard.

It is apparent that the petitioner has been arraigned as an accused on the statement of co-accused. In the affidavit it is not mentioned that besides, the statement of the co-accused there is any other material which would connect the petitioner with the commission of offence.

In view of the above and the petitioner having joined investigation, the order dated 24.02.2020 granting interim bail to the petitioner is made absolute.

However, the petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C. He shall also join investigation as and when called upon to do so.

The petition stands disposed of.

In the event of any prima facie material coming up against the petitioner, the State counsel would be at liberty to prefer an application for his custodial interrogation.

(ANUPINDER SINGH GREWAL)
JUDGE

January 12, 2022
A.Kaundal

Whether speaking/ reasoned	:	Yes/No
Whether Reportable	:	Yes/No