

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

213

CRM-M-10506-2022

Decided on : 01.08.2022

Jaswinder Singh @ Juggi

. . . Petitioner

Versus

State of Punjab

. . . Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. C. S. Jattana, Advocate for
Mr. A. S. Brar, Advocate
for the petitioner.

Mr. Sukhbeer Singh, AAG, Punjab.

VIKAS BAHL, J. (Oral)

This is a petition for grant of anticipatory bail to the petitioner in FIR No. 9 dated 18.01.2022 registered under Section 22 Section 29 added later on) of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station City South, District Moga.

On 11.03.2022, a coordinate Bench of this Court was pleased to pass the following order:-

“By this petition, the petitioner seeks the concession of 'pre-arrest bail', upon FIR No. 09 having been registered at Police Station City South, District Moga, on 18.01.2022, alleging therein the commission of an offence punishable under the provisions of Section 22 of the NDPS Act, 1985 (with Section 29 of that Act having been added later).

Learned counsel for the petitioner submits that the petitioner having been allegedly named in a disclosure statement made in police custody by the person from whom 920 tablets of Alprazolam are stated to have been recovered

(as per the case of the investigating agency), that statement would not even be admissible in evidence with there being no discovery of any fact after such statement was allegedly made.

Notice of motion.

On the asking of the court, Mr. Rana Harjasdeep Singh, D.A.G., Punjab, accepts notice on behalf of the respondent-State.

A copy of the petition be given to learned State counsel by counsel for the petitioner today itself.

Adjourned to 26.04.2022.

Learned State counsel submits that as regards the fact that the petitioner has only been named in a disclosure statement made, he does not deny the same as per his instructions.

Consequently, in my opinion, at this stage at least, the petitioner has made out a case for him being admitted to bail even in terms of the provisions of Section 37 (1) (b) (ii) of the NDPS Act; and therefore he is directed to join investigation within one week from today and upon him so joining, in case he is sought to be arrested, he would be released on bail, on his furnishing adequate bail and surety bonds to the satisfaction of the arresting officer/Ilaqa Magistrate.

He shall also comply with the conditions stipulated in Section 438(2) of the Cr.P.C.

If the arresting officer does not join the petitioner in investigation, he would appear before the learned Ilaqa Magistrate immediately, who would then summon the arresting officer and direct him to join him in investigation, in terms of the order of this court.

March 11,2022

*Sd/-
(AMOL RATTAN SINGH)
JUDGE”*

Learned counsel for the petitioner has submitted that the petitioner has joined the investigation.

Learned counsel for the State, on instructions from ASI Nachhattar Singh, has submitted that the petitioner has joined the investigation on 17.03.2022 and is not required for further investigation.

Keeping in view the abovesaid facts and circumstances moreso, the facts which have been noticed in abovesaid order dated 11.03.2022 and also the fact that the petitioner had joined the investigation and is not required for further investigation, the present petition is allowed and the interim order dated 11.03.2022 is ordered to be made absolute.

However, nothing stated above shall be construed as an 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.

(VIKAS BAHL)
JUDGE

01.08.2022

Mehak

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No