

In virtual Court

CRM-M-14601-2021

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-14601-2021 (O&M)
Date of decision: 21.02.2022

Gurdip Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Rajesh Bhatheja, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of anticipatory bail in FIR No.247 dated 22.12.2020 under Sections 15, 29 of the NDPS Act, registered at Police Station Dharmkot, District Moga.

While granting interim bail to the petitioner, following order was passed by this Court on 18.01.2022: -

“...Learned counsel for the petitioner contends that the recovery has allegedly been effected from the fodder room in a house which does not belong to the petitioner. The recovery is of commercial quantity of poppy husk and co-accused Pawandeep Singh was arrested at the spot. He also contends that neither the petitioner

nor any of the family members was arrested at the spot. There is no independent witness to the recovery. Co-accused Pawandeep Singh is not related to the petitioner and, therefore, it is doubtful that recovery would be effected from a place belonging to the petitioner. The petitioner is not involved in any other case under the NDPS Act.

Learned State counsel has filed short reply by way of affidavit of Deputy Superintendent of Police, Dharamkot, District Moga along with Annexures R-1 to -R-4. The same are taken on record. In terms of the reply, he contends that the house belongs to the petitioner and has referred to the receipts, besides, the statement of the Sarpanch, which is controverted by the learned counsel for the petitioner, who states that the identity of the house is not forthcoming in the receipt. He also contends that if the recovery has indeed been effected from the house of the petitioner, at least some family member would have been apprehended...”

Learned counsel for the petitioner submits that in pursuance of the aforesaid order, the petitioner has joined the investigation and is not required for any further investigation.

Learned State counsel, on instructions from Inspector Jaswinder Singh, has not disputed the factual position and states that the petitioner is no more required for any further investigation.

In view of the above, this petition is allowed and the interim bail

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granted to the petitioner vide order dated 18.01.2022 is made absolute subject to the conditions envisaged under Section 438 (2) Cr.P.C.

21.02.2022

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**[ARVIND SINGH SANGWAN]
JUDGE**

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No