

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-13378-2022

Date of decision : 16.11.2022

Sukhpreet Singh Bajwa

... Petitioner

VERSUS

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Ms. Kamaldeep Kaur, Advocate, for
Mr. A.S.Barnala, Advocate,
for the petitioner.

Mr. C.L.Pawar, Addl. AG, Punjab

KARAMJIT SINGH, J. (Oral)

Prayer is for grant of anticipatory bail to the petitioner in criminal case having FIR No.24 dated 7.3.2022 registered under Sections 21 of NDPS Act at Police Station Badhni kalan, District Moga.

Counsel for the petitioner submits that the petitioner was not named in the FIR and was named as accused on the basis of the alleged disclosure made by co-accused Manpreet Singh from whom the police recovered 5 grams of Heroin. He further submits that the petitioner has joined the investigation in compliance of order dated 31.3.2022 passed by this Court and that admissibility and relevance of the alleged disclosure made by co-accused against the present petitioner is to be examined by the trial Court at the appropriate stage. State counsel on instructions from ASI Tarsem Singh has not controverted the fact that the name of the petitioner

whom the police recovered 5 grams of Heroin on 7.3.2022. He further submits that the petitioner has already joined the investigation with the police and is not required for any further investigation or custodial interrogation and is having no criminal history.

Admittedly, the petitioner was not named in the FIR and was arraigned as accused on the basis of the disclosure made by co-accused Manpreet Singh. As per prosecution version, the police recovered 5 grams of Heroin from the polythene bag which was thrown by co-accused Manpreet Singh who was traveling in a car. The relevance and admissibility of the disclosure made by co-accused will be tested during the trial. The aforesaid recovery of 5 grams of Heroin comes under non-commercial quantity and thus, embargo provided under Section 37 of NDPS Act is not applicable to the case in hand. Further, the petitioner who has joined the investigation is not required by the police for any further investigation.

In view of the above, without commenting on the merits of the case, the present petition is allowed and order of interim bail dated 31.3.2022 is hereby made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.

(KARAMJIT SINGH)
JUDGE

November 16, 2022

Paritosh Kumar

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No