

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

201

CRM-M-15805-2020  
Date of Decision :14.02.2022

Avtar Singh @ Laddi

...Petitioner

Versus

State of Punjab

...Respondent

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. Vipul Jindal, Advocate for the petitioner.

Mr. Sandeep Singh Deol, DAG, Punjab.

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**Harsimran Singh Sethi, J. (Oral)**

Petitioner is seeking anticipatory bail in FIR No.155 dated 07.09.2019 registered under Sections 21 and 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Adampur, District Jalandhar.

Learned counsel for the petitioner submits that the petitioner has joined investigation in terms of the order passed by a Coordinate Bench of this Court on 19.06.2020. Order dated 19.06.2020 is as under:-

“All the cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the Covid-19 pandemic.

By this petition, the petitioner seeks the concession of anticipatory bail, upon FIR No.155, dated 07.09.2019, having been registered at Police Station Adampur, District Jalandhar, against him, alleging therein the commission of offences punishable under Sections 21- 22 of the NDPS Act, 1985.

Mr. Jindal, learned counsel for the petitioner, submits that the petitioner has only been implicated by

way of an alleged disclosure statement made by the two persons, who allegedly were apprehended with non-commercial quantity of alprazolam and non-commercial quantity of heroin(as per the case of the investigating agency) and as such there is no investigation conducted by the police as regards any actual involvement of the petitioner.

Without making any comment on the merits of the case, notice of motion is issued to the respondent-State, with Mr.H.S.Sullar, DAG, Punjab accepting notice at the asking of the court, with him having received an advance copy.Mr.Sullar submits that other things apart, there are five other criminal cases registered against the petitioner and all are under the provisions of the NDPS Act, 1985, and therefore he does not deserve the concession of anticipatory bail in any case.

In rebuttal, Mr. Jindal submits that some of those cases were of the year 2014, one in the year 2019 but in none of the cases, was the petitioner apprehended with commercial quantity of contraband, and in fact in the FIR of the year 2019 there was no contraband with him at all, but only Rs.4000/- were recovered from him. He further submits that nothing is coming forth with regard to whether the alleged disclosure statements of the persons alleged to have been apprehended with the contraband were ever videographed, despite the directions of a Division Bench of this Court to the effect that all statements recorded under Section 161 Cr.P.C.shall only be so recorded by audio, video and electronic means, with effect from the date of order of the Division Bench, which is 28.5.2019, passed in the case of "*Abhijit Singh @ Ankur Likhari vs. State of Punjab*" 2019(3) RCR (Criminal)229.

He further submits that since no recovery has actually been made pursuant to any such disclosure statement, the statements so recorded (as alleged) by the investigating agency, would have to be treated as those recorded under Section 161 Cr.P.C.

Mr. Sullar seeks time to get instructions and to address arguments.

Adjourned to 21.7.2020.The Director General of Police, Punjab, is directed to file his own affidavit after determining from all quarters concerned, as to whether statements being recorded under Section 161 Cr.P.C.after 28.5.2019 are being so recorded as per the directions of the Division Bench or not, and if not the reasons thereof, as obviously non-compliance of the directions amounts to contempt of Court.

In the meanwhile, till the next date of hearing, upon the petitioner joining the investigation, in case he

is sought to be arrested, he would be admitted to interim bail, on his furnishing adequate bail and surety bonds to the satisfaction of the arresting officer/Illaqa Magistrate. He shall abide by 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 Illaqa/Duty Magistrate immediately, who would then summon the arresting officer and direct him to join him in investigation.”

Learned State counsel on instructions from ASI Surinder Pal, states that in terms of the order of Coordinate Bench of this Court reproduced before, the petitioner has joined investigation and he is not required for further interrogation, at this stage.

In view of the above, the order dated 19.06.2020 passed by a Coordinate Bench of this Court 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.

In case at any given point of time hereinafter, it is felt by the Investigating Agency that petitioner is required for the investigation but is not co-operating, it will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

**February 14, 2022**

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**(HARSIMRAN SINGH SETHI)**

**JUDGE**

*Whether speaking/reasoned : Yes/No*

*Whether reportable : Yes/No*