

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-23788-2021

Date of decision : 19.01.2022

Surjit Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.Parminder Singh Sekhon, Advocate
for the petitioner.

Mr.Sukhbeer Singh, AAG, Punjab.

(Through Video Conferencing)

VIKAS BAHL, J.(ORAL)

This is a first petition under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in FIR no.69 dated 16.04.2021 registered under Sections 22 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short "NDPS Act") at Police Station Dirba, District Sangrur.

The case of the prosecution is that the recovery of 700 tablets containing Tramadol Hydrochloride and 300 tablets containing Alprazolam was effected from the possession of co-accused Sulakhan Singh @ Golu and Baljinder Singh @ Gogi, who had further stated that the said intoxicant tablets had been purchased from the present petitioner on 16.04.2021 and accordingly, the present petitioner was implicated in the case under Section 29 of the NDPS Act.

On 26.07.2021, a coordinate Bench of this Court had issued

notice of motion and had also granted interim protection to the petitioner subject to compliance of provisions under Section 438(2) Cr.P.C. In the said order, it has been stated that in case the same is not done, he would not be entitled to protection of interim anticipatory bail. On 24.09.2021 as well as on 30.11.2021, it was pointed out by learned State counsel that the petitioner did not join the investigation and accordingly last opportunity was granted to the petitioner to join investigation.

Learned counsel for the petitioner has very fairly stated that in spite of his best efforts, the petitioner has not joined the investigation again.

Learned State counsel, on instructions from ASI Sukhdev Singh, has reiterated the fact that in spite of the three orders passed, the petitioner has not joined the investigation. Learned State counsel has further pointed out that the petitioner is involved in two more cases.

Keeping in view the above said facts and circumstances moreso, the fact that it is the petitioner who had sold the intoxicant tablets to the co-accused and recovery in the present case is of commercial quantity and also the fact that the petitioner in spite of repeated orders, has failed to join the investigation and is also involved in two more cases, the present petition for anticipatory bail is dismissed.

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 petition.

(VIKAS BAHL)
JUDGE

January 19, 2022

Davinder Kumar