

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-26869-2022

Date of decision : 28.7.2022

Gagan Singh alias Jasbir Singh

... Petitioner

VERSUS

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Ankur Jain, Advocate,
for the petitioner.

Ms. Bhavna Gupta, DAG, Punjab.

KARAMJIT SINGH, J. (Oral)

Prayer is for grant of anticipatory bail to the petitioner in criminal case having FIR No.61 dated 8.4.2022 registered under Sections 21, 22, 25, 29 of NDPS Act and Section 25 of Arms Act at Police Station City District Tarn Taran.

Counsel for the petitioner submits that the petitioner has joined the investigation with the police in compliance of order dated 20.6.2022 passed by the Coordinate Bench of this Court. State counsel on instructions from ASI Nishan Singh has not been refuted the aforesaid assertions made by the counsel for the petitioner and further submits that the petitioner is not required by the police for further investigation or custodial interrogation.

As per allegations appearing on record, co-accused Lovepreet Singh @ Love and Mandeep Singh @ Kali were apprehended by the police while they were traveling in Car No.PB10-BV-0076 and on the personal search of Lovepreet Singh, one country made pistol and 3 live cartridges

were recovered while on the personal search of Mandeep Singh, 1000 tablets of medical intoxicants were recovered from *parna* which he had tied around his waist. There are also allegations that aforesaid Mandeep Singh suffered disclosure statement in which he named the present petitioner. The petitioner has joined the investigation and no incriminating article was recovered from him and now the petitioner is not required by the police for further investigation or custodial interrogation. The veracity and relevance of the disclosure alleged to be made by Mandeep Singh against the petitioner is a matter of trial.

In view of above, although embargo provided under Section 37 of NDPS Act is applicable to the case in hand. However, the facts and circumstances of the case do not warrant custodial interrogation of the petitioner.

Accordingly, the present petition is allowed and order of interim bail dated 20.6.2022 is hereby made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.

(KARAMJIT SINGH)
JUDGE

July 28, 2022
Paritosh Kumar

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No