

**209-3 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**CRM-M No.20984 of 2020
Date of Decision: 15.03.2022**

Amar Singh @ Rinku

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Ms. Amandeep Kaur, Advocate for the petitioner.
 Mr. Amit Mehta, Sr. DAG, Punjab.

AVNEESH JHINGAN, J (Oral):

The matter is taken up for hearing through video conference due to COVID-19 situation.

This is a petition seeking anticipatory bail in case of FIR No.212, dated 18.12.2019, under section 22 and section 29 (added later on) of the NDPS Act, 1985, registered at police station Amargarh, District Sangrur.

On 07.08.2020, the following order was passed:-

“By this petition, the petitioner seeks the concession of 'anticipatory bail', upon FIR no.212, dated 18.12.2019, having been registered, at Police Station Amargarh, District Sangrur, alleging therein the commission of offences punishable under Sections 22/29 of the NDPS Act, 1985.

Learned counsel for the petitioner submits that though no doubt the Tata Safari car from which a huge quantity of contraband is alleged to have been recovered by the police, belongs to the petitioner, but actually his relative (cousins' husband), Kuldeep Singh, had borrowed the car, with Kuldeep Singh already having been arrested, he being the person who was driving the car at the time when the contraband is stated to have been recovered.

She submits that since he had borrowed the car for going to a marriage, the petitioner, who has no other criminal antecedents, cannot be said to have any knowledge of any misuser of the car.

Without making any comment on the actual merits of the aforesaid contention, but since even learned State counsel on instructions submits that so far at least no other criminal case has been found to have been registered against the petitioner, he is directed to join investigation, and upon him so joining, in case he is sought to be arrested, he would be released on bail, on his furnishing adequate bail and surety bonds to the satisfaction of the arresting officer/Ilaqa Magistrate.

He shall, further, abide by all 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 Ilaqa Magistrate immediately, who would then summon the arresting officer and direct him to join him in investigation.

A gazetted officer is directed to ensure that it is properly investigated as to whether there is any actual relationship between the petitioner and Kuldeep Singh, due to which he could have, in the normal course, let Kuldeep Singh borrow his car for 2-3 days. The reply of such gazetted officer be accordingly filed.

Adjourned to 26.08.2020.”

Learned counsel for the State, on instructions from ASI Dilbhar Khan submits that the petitioner has joined the investigation and he is not required for custodial interrogation.

In view of the statement made by learned counsel for the State, the interim bail granted to the petitioners on 07.08.2020 is made absolute.

Disposed of accordingly.

**[AVNEESH JHINGAN]
JUDGE**

15th March, 2022
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1. Whether speaking/ reasoned	:	Yes/No
2. Whether reportable	:	Yes/No