

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-26415-2022 (O & M)

Date of decision: 07.09.2022

Boli Ram

..... Petitioner

V/s

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Satnam Singh Gill, Advocate,
for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab.

JASJIT SINGH BEDI, J. (Oral)

The petitioner seeks the grant of anticipatory bail under Section 438 Cr.P.C. in case bearing FIR No.57 dated 13.05.2022 under Sections 304, 34 IPC read with Section 29 of the NDPS Act registered at Police Station City Dhuri, District Sangrur.

On 14.06.2022, the following order was passed in this case:-

“The present petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail to the petitioner in a case registered against him vide FIR No.57 dated 13.05.2022 under Sections 304, 34 IPC read with Section 29 of the NDPS Act, 1985 with Police Station Dhuri, District Sangrur.

The learned counsel for the petitioner inter alia contends that identically situated co-accused of the petitioner, namely Raj Kumar and Sheelo Devi alias Sheela Devi have been granted the concession of interim anticipatory bail by this Court vide orders dated 31.05.2022 and 02.06.2022 (Annexures P-3 and P-4). She further contends that even as per the investigation conducted, on 12.05.2022, the drugs were procured from Shanty son of Sem and Sheelo wife of Sem, and therefore, the petitioner could not be connected in any manner with the consumption of drugs by the deceased which led to his death.

In the meantime, petitioner is directed to appear before the SHO/Investigating Officer to join investigation on 24.06.2022 and in the event of his arrest, he shall be released on bail on his furnishing bail bonds to the satisfaction of SHO/Investigating Agency, subject to the following conditions as envisaged under Section 438(2) Cr.P.C.:-

- (i) that the petitioner shall make himself available for interrogation before the investigating officer as and when required;*
- (ii) that the petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case as to dissuade him/her from disclosing such facts to the Court or to any police officer;*
- (iii) that the petitioner shall not leave the country without prior permission of the Court and shall surrender his passport, if any.*

Meanwhile, the State is directed to file an affidavit as to the exact role of the petitioner and his co-accused alongwith the details of pending FIRs, if any, on or before the next date of hearing.

To be heard alongwith CRM-M-24514-2022 & CRM-M-25537-2022”.

The learned counsel for the petitioner submits that pursuant to the aforesaid order, the petitioner has joined the investigation and the same stands completed.

An affidavit of Yogesh Kumar, PPS, Deputy Superintendent of Police, Sub Division Dhuri, District Sangrur dated 03.09.2022 filed on behalf of the respondent-State is taken on record. The learned State counsel on instructions from Inspector Mohinderjit Singh submits that the petitioner has joined the investigation in terms of the order dated 14.06.2022 and is not required for custodial interrogation.

It may also be mentioned here that the petitioner-Boli Ram and his co-accused Raj Kumar and Sheelo are said to have, at an earlier stage, provided contraband to the deceased. So far as the present occurrence is concerned, the drugs were allegedly procured from one Shanty, who has been arrested. Besides, the present petitioner is convicted in three more cases i.e.(i) FIR No.15 dated 25.01.1992 under Sections 15/61/85 NDPS Act registered at Police Station Dhuri, (ii) FIR No.130 dated 22.07.2012 341, 354, 323, 34 IPC registered at Police Station City Dhuri and (iii) FIR No.85 dated 22.05.2014 under Sections 15, 18, 20, 21, 22/61/85 NDPS Act, registered at Police Station City Dhuri and no other case under the NDPS Act is pending against him. However, the same do not have any bearing on the facts of the present case as no recovery whatsoever has been made from the petitioner and the petitioner has been named only on the basis of suspicion.

In this view of the matter, interim order dated 14.06.2022 is made absolute.

However, the petitioner shall keep on joining the investigation as and when required to do so and he shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

The petitioner shall appear on the first Monday of every month before the local police station till the conclusion of the trial.

The petition stands disposed of.

September 07, 2022
sukhpreet

(JASJIT SINGH BEDI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No