

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

**CRM-M-29514-2022
Date of decision : 06.09.2022**

Tarlochan Singh @ Tochi

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr. G.N. Malik, Advocate
for the petitioner.

Mr. Tarun Aggarwal, Sr. DAG, Punjab.

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.71 dated 27.05.2022 registered under Section 21 of NDPS Act, 1985 (Sections 61, 85 of NDPS Act added later on) at Police Station Sadar Jagraon, District Ludhiana Rural.

On 13.07.2022, a coordinate Bench of this Court was pleased to pass the following order:-

“This is a petition filed under Section 438 Cr.P.C for grant of anticipatory bail in case FIR No.71 dated 27.05.2022 registered under Section 21 of NDPS Act, 1985 (Sections 61,85 of NDPS Act added later n) at Police Station Sadar Jagraon, District Ludhiana Rural.

FIR was registered on the complaint of one Sukhdeep Singh alias Sukha who stated that he is a social worker and is a resident of Village Galib Kalan, Tehsil Jagraon. He stated that a large number of young persons of his village are addicted to drugs. He further stated that Gurtej Singh alias Raja, Mukhtiar Kaur alias Piara, Tarlochan Singh @ Tochi (petitioner), Charanjit Kaur, Nishan, Manjit Singh, Sukhdev Singh @ Kaka Kohri, Swara Singh ad Gurcharan Singh @ Giani are in the habit of selling intoxicant

powder and heroin to the young persons in the village leading to their becoming drug addicts.

Learned State counsel states that the petitioner is a habitual offender. There are five other criminal cases registered against him under the NDPS Act including the one registered under the provisions of Excise Act. He states that custodial interrogation of the petitioner is necessary to know the source from where he is procuring the drugs.

Learned counsel for the petitioner contends that in the present FIR, there is only bald allegation that the petitioner and others named therein are in the habit of selling intoxicant powder. Despite the house of the petitioner having been raided by the police, no contraband was recovered. He undertakes that the petitioner is ready and willing to cooperate with the investigation.

Notice of motion for 06.09.2022.

Meanwhile, in the event of arrest, the petitioner shall be released on interim anticipatory bail to the satisfaction of the Arresting/ Investigating Officer, subject to the conditions provided under Section 438 (2) Cr.P.C. He is also directed to appear before the Investigating Officer for joining the investigation on 14.07.2022 at 11.00 a.m and cooperate with the Investigating Agency and also join investigation as and when required.

(Harinder Singh Sidhu)
Judge

July 13, 2022
manoj”

Learned counsel for the petitioner has submitted that in pursuance of the said order, the petitioner has joined the investigation.

Learned State counsel on instructions from ASI Gurdeep Singh has submitted that the petitioner has joined investigation and is not required for further investigation.

Keeping in view the above said facts and circumstances moreso, the facts which have been noticed in the order dated 13.07.2022 and also the fact that the petitioner has joined the investigation and is not required for further investigation, the present petition is allowed and the interim order dated 13.07.2022 is made absolute.

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

September 06, 2022
Amandeep

Whether speaking / reasoned	Yes/No
Whether reportable	Yes/No