

101 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH
CRM-M-30337 OF 2022
Date of Decision:- 26.08.2022

Kulwinder SinghPetitioner

versus

State of Punjab Respondent

CORAM HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present Mr.Munish Gulati, Advocate
for Mr. Kamal Narula, Advocate, for the petitioner.
Mr. Rajiv Verma, DAG, Punjab.

SANDEEP MOUDGIL, J(ORAL)

Learned counsel for the petitioner submits that in pursuance of the order dated 18.07.2022, the petitioner has joined the investigation.

The order dated 18.07.2022, passed by a Co-ordinate Bench of this Court, reads as under:-

“ This petition under Section 438 Cr.P.C. is filed seeking anticipatory bail in FIR No. 35 dated 29.5.2022, under Sections 304/34 IPC and Sections 21 and 29 of the Narcotic Drugs & Psychotropic Substances Act, 1985, registered at Police Station Arif Ke, District Ferozepur.

As per the case set up, on 29.5.2022, a secret information was received that Gurlal Singh was a drug addict and Gurjant Singh, Gurmukh Singh and Kulwinder Singh (petitioner) were indulging in sale of narcotic.

On 28.5.2022, Gurlal Singh purchased Heroin from the accused named in the FIR and after converting it into injection administered it himself and he died due to over-dose.

Learned counsel for the petitioner submits that it is a case of false implication, within a span of two days, two FIRs were registered on the basis of secret information. Earlier to these FIRs, the petitioner had no criminal antecedents. The contention is that even taking the allegations at the highest, Gurlal Singh himself administered the injection and died due to drug over-dose.

Learned counsel for the State appearing on advance notice opposes the prayer for grant of anticipatory bail. He submits that as per the allegations, the petitioner was selling narcotic substance.

Without commenting on the merits of the case, considering the nature of allegations against the petitioner and the fact that apart from two FIRs registered on 28.5.2022 and 29.5.2022, which were on the basis of secret information, earlier to that the petitioner had no criminal antecedents and deceased himself injected the contraband, the petitioner is granted interim bail subject to his joining investigation within a week. In the event of arrest, he shall be released on bail subject to his furnishing adequate bail bonds to the satisfaction of the Investigating Officer. He is directed to join the investigation as and when called for. He shall abide by the conditions as envisaged under Section 438(2) Cr.P.C. List on 26.8.2022.”

The very fact has not been controverted by the learned State counsel and rather he submits on instructions from ASI Kalbir Singh, that the petitioner is not required for any further custodial interrogation and he will have no objection if the petitioner is released on anticipatory bail.

In view of the submissions discussed hereinabove, the order dated 18.07.2022, passed by a Co-ordinate Bench of this Court is hereby made absolute.

26.08.2022
mamta

(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No