

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-32972-2022

Date of Decision: 16.09.2022

Ranjit Singh @ Ranjeet Singh @ Jitta

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Parminder Singh Sekhon, Advocate,
for the petitioner.

Mr. Tarun Aggarwal, Sr. D.A.G., Punjab.

VIKAS BAHL, J. (Oral)

This is the first petition under Section 438 of Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No. 44, dated 15.06.2022, under Sections 15 and 29 of the NDPS Act, 1985, registered at Police Station Khanauri, District Sangrur.

On 29.07.2022, this Court was pleased to pass the following order:-

“Inter alia contends that in the present case, as per the FIR, 4 persons were named in the secret information which included the present petitioner and the brother of the petitioner but however, the recovery is stated to be effected from two cars, one of which was parked inside a house and the other car was found after the disclosure statement of the co-accused Jagpreet Singh had been recorded. It is submitted that the petitioner is neither the owner of the two cars nor is the owner of the house where the car of make-Volkswagen

Passat was parked. It is contended that at the time of the recovery, it was Jagpreet Singh who was standing next to the abovesaid car as per the prosecution version and as per his disclosure statement, further recovery had been effected from the second car of make-Mahindra XUV. It is further contended that infact, the petitioner had met with an accident on 14.06.2022 i.e., prior to the registration of the FIR dated 15.06.2022 as he had slipped from his motorcycle and had suffered two fractures and he was on bed rest on 15.06.2022 at his in-laws house. It is argued that in the present case, there is a violation of Section 42 of the NDPS Act inasmuch the alleged recovery has been effected after the sunset and before sunrise without joining any private person and there is a violation of provision under Section 100 (4) Cr.P.C. It is also submitted that although, the recovery in the present case is of commercial quantity but the abovesaid facts would entitle the petitioner to grant of anticipatory bail.

Notice of motion for 16.09.2022.

In the meantime, in the event of arrest, the petitioner is ordered to be released on interim bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

Learned State counsel is directed to get instructions as to on what basis, the petitioner has been implicated in the present case and what is the material against the petitioner other than the secret information .”

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

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

Keeping in view the abovesaid facts and circumstances moreso, the facts which have been noticed in abovesaid order dated 29.07.2022 and also the fact that the petitioner has joined the investigation and is not required for further custodial interrogation, the present petition is allowed and the interim order dated 29.07.2022 is ordered to be made absolute.

However, nothing stated above shall be construed as a final 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 application.

September 16, 2022

nitin

(VIKAS BAHL)

JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No