

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-32614-2022 (O&M)
Date of Decision:-21.11.2022

Sukhdev Singh ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Kanwaljeet Singh Brar, Advocate for the petitioner.

Ms. Swati Batra, DAG, Punjab,
assisted by HC Kartar Singh.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.57 dated 19.5.2022, Police Stationi Sadar Kotkapura, District Faridkot, under Sections 21(a) and 29 of Narcotic Drugs and Psychotropic Substances Act.
2. At the time of issuance of notice of motion, the following order was passed on 28.7.2022:

“The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.57 dated 19.5.2022, Police Stationi Sadar Kotkapura, District Faridkot, under Sections 21(a) and 29 of Narcotic Drugs and Psychotropic Substances Act.

As per the case of prosecution, one Kulwant Kaur @ Bholo was arrested by the police on account of recovery of 'non-commercial' quantity of contraband i.e. 5.6 grams of intoxicant powder and that the said Kulwant Kaur @ Bholo, upon interrogation, disclosed that the said intoxicating powder has been supplied to her by the petitioner.

Learned counsel for the petitioner submits that the petitioner has falsely been nominated as an accused on the basis of a disclosure statement, which would hardly carry any evidentiary value. It has further been submitted that although report of Forensic Science Laboratory (FSL) has not been received so far, but the recovered quantity has been treated as 'non-commercial' quantity by the Trial Court, when the bail application of co-accused Kulwant Kaur @ Bholo was heard and who has already been granted bail by the Trial Court.

Notice of motion for 21.11.2022.

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

3. Learned State counsel, upon instructions from HC Kartar Singh, has informed that pursuant to interim directions, the petitioner has since joined investigation and he is not required for any custodial interrogation. Learned State counsel has informed that the petitioner is not involved in any other case.
4. Having regard to the aforestated position, wherein the petitioner is stated to have joined investigation and is not required for any custodial interrogation and he is not stated to be involved in any other case, the petition is accepted

and the interim directions issued by this Court vide order dated 28.7.2022 are hereby made absolute, subject to the condition that the petitioner shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438(2) Cr.P.C.

21.11.2022

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No