

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

207

CRM-M-36540-2021 (O&M)

Date of Decision: 01.02.2022

Jarnail Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Prateek Pandit, Advocate, for the petitioner.

Mr. Harbir Sandhu, AAG, Punjab,
assisted by ASI Kuldeep Singh.

(proceedings conducted through video conferencing)

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.206 dated 27.07.2021 at Police Station Kotwali, District Kapurthala, under Sections 15(c), 18(c) & 29 of the NDPS Act.
2. On 01.10.2021, this Court passed the following order:

“Heard through video conferencing.

Counsel for the petitioner contends that the petitioner has been arraigned as an accused on the basis of the second disclosure statement of Jatinder Singh, who alongwith Ravi, was apprehended from a parked truck from where recovery of 12 bags containing 180 kg. of *poppy husk* besides 1005 pieces of *fitkari (alum)* were recovered. He urges that on the basis of the first disclosure statement of Jatinder Singh, 8.5 kg. *opium* was recovered but the petitioner was not named therein. By making a reference to the affidavit filed by Deputy Superintendent of Police, Sub

Division, Kapurthala on behalf of the respondent-State, which is taken on record, he submits that the petitioner is being sought to be connected with the contraband on the basis of telephonic conversation with Sukhdev Singh and Rajwinder Singh @ Raju, who like the petitioner were nominated on the basis of disclosure statement of the main accused. He submits that the petitioner is not involved in any other case under the NDPS Act and is ready and willing to join the investigation.

List on 31.01.2022.

Meanwhile, the petitioner shall join the investigation and would come present as and when called for by the Investigating Officer and in the event of arrest, the petitioner shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C.”

3. Learned State counsel upon instructions has informed that pursuant to interim directions issued by this Court, the petitioner has since joined investigation and is not required for any custodial interrogation and that challan already stands presented. It has also been informed that the petitioner happens to be involved in one more case in respect of offence under IPC.
4. Having regard to the aforestated position, wherein the petitioner was not arrested at the spot and is also stated to have joined investigation and his custodial interrogation is not required, the petition is accepted and the interim directions issued by this Court vide order dated 01.10.2021 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.

01.02.2022

Vimal

(GURVINDER SINGH GILL)

JUDGE

Whether speaking/reasoned: **Yes/No**

Whether reportable: **Yes/No**