

224-B

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-37543-2021 (O&M)
Date of Decision: 19.01.2022

Gurdev Singh

.. Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Amandeep Singh Manaise, Advocate for the petitioner.

Mr. Ramdeep Partap Singh, DAG, Punjab.

...

Manoj Bajaj, J. (Oral)

Petitioner has filed this petition under Section 438 Code of Criminal Procedure for grant of anticipatory bail in a case FIR No.60 dated 12.06.2021, registered under Sections 304 and 149 IPC and Sections 21 and 29 NDPS Act at Police Station Rangar Nangal, Police District Batala, District Gurdaspur. The petitioner apprehends his arrest at the hands of Police, in the above FIR.

Learned counsel for the petitioner has invited the attention of the Court to the order dated 10.09.2021, whereby while issuing notice of motion to the respondent-State, the interim protection was extended to the petitioner. The said order reads as under:-

“Learned counsel for the petitioner contends that petitioner is husband of Kulwinder Kaur who has been granted anticipatory bail in CRM-M No.27456 of 2021 vide order dated 02.08.2021. As per allegations, the FIR was registered on the statement of Balkar Singh to the effect that his son Sukhbir Singh was doing personal work with Kulwant Singh in his house. Kulwant Singh put him on drugs and used to extract work of drug peddling. Sukhbir Singh died due to overdose of the intake of drug. The allegations are against Kulwant Singh,

his wife Kuljit Kaur, son Baljit Singh, Kulwinder Kaur and the petitioner, who were allegedly present on 12.06.2021. Baljit Kaur and Kuljit Kaur have been granted interim bail in CRM-M No.36302 of 2021 and CRM-M No.34947 of 2021 and the aforesaid cases are pending for 17.12.2021.

Notice of motion for 17.12.2021.

In the meanwhile, petitioner is directed to appear before the SHO/Investigating Officer to join investigation on 15.09.2021 at 11.00 a.m. and in the event of his arrest, he shall be enlarged on interim bail, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of Arresting Officer. However, petitioner shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

Nothing expressed hereinabove shall be construed to be an opinion in the merits of the case. The case shall be decided on the merits on the adjourned date.

To be heard along with CRM-M No.36302 of 2021 and CRM-M No.34947 of 2021.”

Learned counsel for the petitioner further states that in deference to the said order, the petitioner submitted himself before the Police and joined the investigation. According to him, the petitioner cooperated with the Police Authorities during the investigation and furnished requisite bonds to the satisfaction of the Investigating Officer/Arresting Officer.

Learned State counsel, who is assisted by ASI Baldev Raj does not dispute this fact that the petitioner has joined the investigation and is not required for custodial interrogation for the time being.

Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 10.09.2021 is made absolute.

19.01.2022
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes No
Yes No