

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

201 (2)

CRM-M-35158-2020
Date of Decision :14.02.2022

Surjit Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Vipul Jindal, Advocate for the petitioner.

Mr. Sandeep Singh Deol, DAG, Punjab.

Harsimran Singh Sethi, J. (Oral)

Petitioner is seeking anticipatory bail in FIR No.308 dated 23.09.2020 registered under Sections 21 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Goindwal Saheb, District Tarn Taran.

Learned counsel for the petitioner submits that the petitioner has joined investigation in terms of the order passed by a Coordinate Bench of this Court on 02.11.2020. Order dated 02.11.2020 is as under:-

“This is a petition that has been filed for grant of anticipatory bail to the petitioner in FIR No. 308 dated 23.09.2020 registered under Sections 21, 29 NDPS Act, 1985 at Goindwal Saheb, District Tarn Taran.

It is inter-alia contended that one Manjit Singh was arrested on 23.09.2020 with possession of 750 grams of heroin and thereafter on 25.09.2020 on a disclosure statement made by said Manjit Singh, the petitioner was nominated as an accused in the present FIR. It is further argued that the respondent-State has not complied with the directions as issued by the

Division Bench of this Court in the case of ***Abhijeet Singh @ Ankur Likhari vs. State of Punjab 2019(3) RCR (Crl.) 229*** wherein directions have been given to all Investigating Officers in the State of Punjab to record the statement under Section 161 Cr.P.C. either by means of audio, video or other electronic means . It is also argued that one of the reasons for implication of the petitioner is that his brother is also wanted in FIR No. 40 dated 12.03.2020 while further stating that the petitioner is ready and willing to join investigation.

Notice of motion for 02.12.2020.

Ms. Monika Jalota, DAG, Punjab accepts notice through video conferencing on behalf of the respondent-State.

In the meanwhile, the petitioner is directed to join the investigation within a period of one week and in the event of his arrest, the petitioner be released on interim bail to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall continue to join the investigation as and when called upon to do so and shall abide by the conditions incorporated under Section 438(2) Cr.P.C.

To be heard along with CRM-M-15805-2020.”

Learned State counsel on instructions from ASI Amrik Singh, states that in terms of the order of Coordinate Bench of this Court reproduced before, the petitioner has joined investigation and he is not required for further interrogation, at this stage.

In view of the above, the order dated 02.11.2020 passed by a Coordinate Bench of this Court granting interim bail to the petitioner is made absolute.

However, the petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C. He shall also join investigation as and when called upon to do so.

In case at any given point of time hereinafter, it is felt by the Investigating Agency that petitioner is required for the investigation but is not co-operating, it will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

February 14, 2022
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No