

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

I) CRM-M-39713-2021 (O&M)

Vishal Singh ... Petitioner

Versus

State of Punjab ... Respondent

II) CRM-M-41092-2021 (O&M)

Jagroop Singh ... Petitioner

Versus

State of Punjab ... Respondent

Date of Decision:-15.2.2022

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Sunny K. Singla, Advocate for the petitioner(s).

Mr. M.S. Dullat, Addl.A.G., Punjab,
assisted by ASI Harnek Singh.

GURVINDER SINGH GILL, J.(Oral)

1. This order shall dispose of the above mentioned two petitions filed on behalf of petitioners Vishal Singh and Jagroop Singh seeking grant of anticipatory bail in respect of a case registered vide FIR No.123, dated 4.9.2021, Police Station City-I, Malerkotla, District Sangrur, under Sections 15/29/61/85 NDPS Act.

2. At the time of issuance of notice of motion in CRM-M-39713 of 2021, the following order was passed on 23.9.2021:

“The petitioner has approached this Court seeking grant of anticipatory bail in a case registered vide FIR No.123, dated 4.9.2021, Police Station City-I, Malerkotla, District Sangrur, under Sections 15/29/61/85 NDPS Act.

As per the case of prosecution, on 4.9.2021 when ASI Dilbar Khan along with other police officials was present in front of Radha Swami Satsang Bhawan, Malerkotla, for the purpose of checking, then a truck bearing registration No. HP-34-D-0662 was signaled to stop. While the truck initially slowed down, but thereafter tried to speed away. The truck was however, blocked by the police by moving the police vehicle in front of the truck. The driver of the truck disclosed his name as Hardeep Singh. The search of the truck led to recovery of 5 bags of ‘Poppy Husk’ weighing 40 kg each and one more bag weighing 25 kg which also contained ‘Poppy Husk’. In other words, a total of 225 kgs of ‘Poppy Husk’ was recovered. The driver of the truck upon interrogation disclosed that the name of owner of truck is Jagrup Singh who had arranged for money and that one Vishal (petitioner) had got the ‘Poppy Husk’ loaded from Ludhiana and had himself got down at Dehlon.

Learned counsel has submitted that he has nothing to do with the alleged recovery of ‘Poppy Husk’ and that he is neither the owner of the truck nor was ever found in possession of the contraband and has been falsely implicated and that he is not even involved in any other case.

Notice of motion for 15.2.2022. 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 the 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. Even in the other petition i.e. CRM-M-41092 of 2021, this Court while issuing notice of motion had granted interim bail to the petitioner.
4. Learned State counsel upon instructions from the Investigating Officer has informed that pursuant to interim directions, the petitioners have joined investigation and are not required for any custodial interrogation. Learned State counsel has further informed that the petitioners are not involved in any other case.
5. Having regard to the aforesaid facts and circumstances and particularly the fact that the petitioners are stated to have joined investigation and are not required for any custodial interrogation, both the petitions are accepted and the interim directions issued by this Court vide order dated 23.9.2021 (passed in CRM-M-39713 of 2021) and order dated 1.10.2021 (passed in CRM-M-41092 of 2021) are hereby made absolute, subject to the condition that the petitioners 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.
6. A photocopy of this order be placed on the file of connected case.

15.2.2022

pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No