

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

CRM-M-40208-2021 (O&M)
Date of Decision:- 8.2.2022

Lachman Singh @ Golu

.... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Mandeep Kumar Dhot, Advocate, for the petitioner.

Mr. Anmol S. Sandhu, AAG, Punjab,
assisted by SI 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 against him vide FIR No.83 dated 7.7.2021 at Police Station Barnala, District Barnala under Sections 15 and 25 of Narcotic Drugs & Psychotropic Substances Act, wherein offence under Section 29 of NDPS Act was added later on.
2. At the time of issuance of notice of motion, the following order was passed by this Court on 27.9.2021:

“The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.83 dated 7.7.2021 at Police Station Barnala, District Barnala under Sections 15 and 25 of Narcotic Drugs & Psychotropic Substances Act, wherein offence under Section 29 of NDPS Act was added later on.

The case of the prosecution is that a secret information was received on 7.7.2021 to the effect that Amrik Singh @ Rinku, Jatinder Singh @ Sonu and others had formed a gang and they used to procure ‘poppy husk’ from other States and used to sell the same in Barnala and nearby villages. The information was further to the effect that even on the given day, they were coming in a car bearing registration No.PB-11-AL-3455 and were proceeding to Barnala. It is further the case of prosecution that upon receipt of said information, the police was able to apprehend the aforesaid Amrik Singh @ Rinku, Jatinder Singh @ Sonu and from their possession 4 bags of ‘poppy husk’ weighing 25 kilograms each were recovered. It is further the case of prosecution that on 12.7.2021 the said persons suffered a disclosure statement nominating four persons as their associates namely Lachman Singh @ Golu, Sandeep Serry, Mithu Singh and Aslam. It is further the case of prosecution that Mithu Singh was arrested thereafter and from his possession 10 kgs. and 500 grams of ‘poppy husk’ and a cash amount of `18,000/- being the drug money, was recovered.

Learned counsel for the petitioner has submitted that the petitioner was never arrested at the spot and has been nominated on the basis of a disclosure statement, the veracity of which would be debatable.

Notice of motion for 21.1.2022.

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 SI Kuldeep Singh has informed that the petitioner pursuant to interim directions has joined investigation and is not required for any custodial interrogation and that he is not involved in any other case.
4. Having regard to the aforestated position wherein the petitioner has joined investigation and is not required for any custodial interrogation and not even wanted in any other case, the petition is accepted and interim directions issued by this Court vide order dated 27.9.2021 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.

08.2.2022

Mohan

(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No