

201

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.53762 of 2021 (O&M)
Decided on: 17.03.2022

Iqbal Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Munish Raj, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of anticipatory bail in FIR No.277 dated 07.06.2021, registered under Sections 21, 22, 29, 61 and 85 of the NDPS Act, 1985 at Police Station City Barnala, District Barnala.

The operative part of the order dated 22.12.2021, vide which interim anticipatory bail has been granted to the petitioner, is reproduced as under:-

“....Learned counsel for the petitioner submits that the petitioner very obviously has not been named in the FIR and that as per the case of the investigating agency, he was named by one Arashdeep Singh @ Arashi, who was named in the FIR as one of the persons about whom secret information was stated to have been received by the police, to the effect that he alongwith one Jasvir Singh @ Seera were in the business of selling intoxicant substances.

The recovery actually is stated to have been made from Jasvir Singh @ Seera, who thereafter is stated to have disclosed the name of one Chamkaur Singh from whom he allegedly purchased the intoxicant tablets, with Chamkaur Singh thereafter, upon arrest, having allegedly named one Kali as a person to whom he used to sell the contraband to.

The contention of learned counsel is that the only allegation against the petitioner being on the basis of a disclosure statement made in police custody by a co-accused, and the petitioner not being involved in any other criminal case, he has been falsely roped in.

Whereas when there is no other criminal case registered against the petitioner, it is difficult to believe as to why and how the police would even think about his name and falsely implicate him, with no malafides alleged in the petition against any police officers/officials, yet, in the circumstances that the petitioner was allegedly named in a disclosure statement made by his coaccused, without making any comment on the actual merits of the case, notice of motion is issued.

Mr. Rana Harjasdeep Singh, learned DAG, Punjab, accepts notice at the asking of the court.

A copy of the petition be given to learned State counsel by learned counsel for the petitioner.

In the meanwhile, the petitioner is directed to join investigation within one week and upon him so joining, in case he is sought to be arrested, he shall be released on interim bail, upon his furnishing adequate bail and surety bonds to the satisfaction of the arresting officer/Duty Magistrate, till the next date of hearing.

He shall also comply with all conditions stipulated in Section 438(2) of the Cr.P.C.

If the arresting officer does not join the petitioner in investigation, he would appear before the learned Ilqa

Magistrate immediately, who would then summon the arresting officer and direct him to join him in investigation.

Adjourned to 10.01.2022....”

Counsel for the petitioner has submitted that, in pursuance to the order dated 22.12.2021, the petitioner has appeared before the Investigating Officer and has joined the investigation.

Counsel for the State, on instructions from SI Baldev Singh, has not disputed the aforesaid fact and submits that the petitioner is no more required for further investigation.

In view of the above, this petition is allowed and the interim bail granted to the petitioner vide order dated 22.12.2021 is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

(ARVIND SINGH SANGWAN)
JUDGE

17.03.2022

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Whether speaking/reasoned

Yes/No

Whether reportable:

Yes/No