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**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**CRM-M-42705-2022 (O&M)
Date of Decision: 07.12.2022**

Amandeep Singh @ Deepa

..... Petitioner

Versus

State of Punjab

..... Respondent

CRM-M-49623-2022

Raj Pal Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Ashok Giri, Advocate,
for the petitioner in CRM-M-42705-2022.

Mr. Ruhani Chadha, Advocate,
for the petitioner in CRM-M-49623-2022.

Mr. Amit Rana, Sr. DAG, Punjab.

JASGURPREET SINGH PURI, J. (ORAL)

Both petitions have been filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail to the petitioners and are being taken up together for final disposal with the consent of the learned counsels for the petitioners, since both the petitions arise out of the same FIR bearing No.104 dated 15.07.2022, under Section 15(c) of the NDPS Act, 1985, (Sections 25/29/27/31 of the NDPS Act were added later on), registered at Police Station Sadar Nakodar, District Jalandhar Rural.

It has been submitted by Mr. Ashok Giri, learned counsel for the petitioner in CRM-M-42705-2022 and Mr. Ruhani Chadha, learned counsel for the petitioner in CRM-M-49623-2022 that in both the cases the petitioners were granted interim anticipatory bail vide order dated 20.09.2022 and 29.11.2022, respectively, on the ground that both the petitioners were nominated on the basis of the disclosure statement of the co-accused, namely, Jagtar Singh @ Tari and there has been an alleged recovery of only 20 kgs. each of *Poppy Husk* from the petitioners which does not fall in the category of commercial quantity. They further submitted that the petitioner-Amandeep Singh was earlier involved in one case under the NDPS Act but he has been acquitted in that case otherwise there is no case against the petitioner. They also submitted that be that as it may, in pursuance of the aforesaid orders, the petitioners have already joined the investigation and have fully co-operated with the investigation process and therefore, has prayed that the interim bail granted to them may be made absolute.

On the other hand, Mr. Amit Rana, learned Senior Deputy Advocate General, Punjab, has stated on instructions from S.I. Nirmal Singh, that it is correct that in pursuance of the aforesaid orders passed by this Court, the petitioners have joined investigation and they have fully cooperated with the investigation process. He further submitted that he has a specific instructions to say that both the petitioner are not required for custodial interrogation and the quantity recovered from both the petitioners does not fall in the category of commercial quantity

I have heard the learned counsel for the parties.

In view of the specific stand taken by the learned State counsel

wherein he has not opposed the grant of anticipatory bail to both the petitioners, therefore, this Court deems it fit and proper to grant anticipatory bail to both the petitioner.

Consequently, both the petitions are allowed and the orders dated 20.09.2022 and 29.11.2022, respectively, whereby the petitioners were directed to join the investigation, are hereby made absolute

07.12.2022
Bhumika

(JASGURPREET SINGH PURI)
JUDGE

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|-------------------------------|--------|
| 1. Whether speaking/reasoned: | Yes/No |
| 2. Whether reportable: | Yes/No |