

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

210

CRM-M-47355-2021 (O&M)

Date of Decision: 16.05.2022

Gurpreet Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Ruhani Chadha, Advocate, for the petitioner.

Mr. Tanvir Joshi, AAG, Punjab,
assisted by ASI Rakesh Kumar.

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.156 dated 25.11.2016, Police Station Garhshankar, District Hoshiarpur under Sections 15, 61, 85 of Narcotic Drugs & Psychotropic Substances Act.
2. At the time of issuance of notice of motion on 17.01.2022, the following order was passed:

“The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.156 dated 25.11.2016, Police Station Garhshankar, District Hoshiarpur under Sections 15, 61, 85 of Narcotic Drugs & Psychotropic Substances Act.

As per the case of prosecution, a secret information was received by the police to the effect that Bhag Ram @ Bhaggu, who was having truck bearing registration No.PB-10-BL-6510, which was being driven by Gurpreet Singh @ Gopi (petitioner), accompanied by cleaner Tajinder Singh were coming from Jammu & Kashmir in the truck, which was loaded with boxes of apples and wherein huge quantity of ‘poppy husk’

had been kept concealed. Pursuant to receipt of aforesaid information, the police was able to trace the truck in question, which was parked in forest area. Three persons were noticed sitting nearby. However, upon noticing the police party, two persons i.e. Bhag Ram @ Bhaggu and Gurpreet Singh @ Gopi are alleged to have run away from the spot whereas Tajinder Singh was arrested at the spot. The truck in question was found to be loaded with boxes of apples. However, underneath the said boxes 16 boxes (weighing 25 kilograms each) of 'poppy husk' were recovered.

Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case and that infact on the day of alleged recovery, the petitioner was to fly to Doha (Dubai), where he was working and that the entries regarding departure as stamped in his passport (Annexure P-2) would indicate that he had departed from New Delhi on 25.11.2016 and had arrived in Doha (Dubai) on 26.11.2016.

Learned counsel while referring to Annexure P-2 has submitted that the entries would show that the petitioner came back to India after about 2 weeks i.e. on 11.12.2016 but again left for Doha (Dubai) after about 2 days. It has been submitted that in case the petitioner had really been present at the spot and had run away, he would have never chosen to come back to India after 2 weeks. Learned counsel has further submitted that, in any case, the entire case of the prosecution is based on the secret information and since the petitioner was never apprehended at the spot and has a clean record, he deserves the concession of bail.

I have considered the aforesaid submissions.

Although the petitioner had subsequently been declared a proclaimed offender, but his Court vide separate order passed in another petition i.e. CRM-M-48457 of 2021, wherein the order declaring the petitioner as a proclaimed offender has been challenged, has stayed the operation of the said order.

Notice of motion for 16.5.2022.

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 has informed that pursuant to interim directions issued by this Court, the petitioner has since joined investigation and that he is not involved in any other case.
4. Though learned State counsel has stated that his custodial interrogation would be necessary, but given the fact that the petitioner has a clean record and has already joined investigation, this Court does not find any ground for declining the anticipatory bail. Though the petitioner had earlier been declared a proclaimed offender, but said order has been set aside today while deciding CRM-M-48457-2021. The petition, as such, is accepted and the interim directions issued by this Court vide order dated 17.01.2022 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.

16.05.2022

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(GURVINDER SINGH GILL)
JUDGE

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