

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-47959-2021

Date of decision : 21.01.2022

Parminderjit Singh @ Raja

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.Manjinder Singh Saini, Advocate
for the petitioner.

Mr.Sukhbeer Singh, AAG, Punjab.

(Through Video Conferencing)

VIKAS BAHL, J.(ORAL)

This is a first petition under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in FIR no.164 dated 30.10.2021 registered under Sections 21/29 of the Narcotic Drugs and Psychotropic Substances, Act, 1985 at Police Station Mehtiana, District Hoshiarpur.

On 16.11.2021, this Court was pleased to pass the following order:-

“Learned counsel for the petitioner inter alia contends that in the present case, no recovery had been effected from the petitioner and he had been implicated only on the basis of disclosure statement of co-accused and also on account of the fact that his motorcycle was with the co-accused. It is submitted that the petitioner had given his motorcycle to the said co-accused for getting the medicine, however, the said co-accused might

have misused the same. It is also argued that even the alleged recovery from the co-accused is of 15 grams of intoxicant substance which cannot be stated to be of commercial quantity and that the petitioner is not involved in any other case.

*Learned counsel for the petitioner has relied upon an order passed by Coordinate Bench of this Court dated 17.06.2020 in CRM-M- 12051-2020 titled “**Mewa Singh Vs. State of Punjab**”, and an order of another Coordinate Bench dated 16.07.2021 passed in **CRM-M-12997- 2020** titled as “**Daljit Singh Vs. State of Haryana**” to contend that in such like cases if a person has only been proceeded against on the basis of disclosure statement of co-accused and no recovery has been effected from the petitioner, then he should be granted the benefit of anticipatory bail.*

Notice of motion.

On asking of the Court, Mr. N.K. Banka, DAG, Punjab, appears and accepts notice on behalf of State of Punjab and seeks time to get instructions.

Adjourned to 20.01.2022.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

Learned counsel for the State is also directed to get instructions as to whether there is any other incriminating circumstance including call details between the petitioner and co-accused Ranjit from whom the recovery has been made. ”

Learned counsel for the petitioner as well learned State counsel,

on instructions from SI Gurdeep Singh, have submitted that in pursuance of the said order, the petitioner has joined the investigation and is not required for further investigation.

Learned State counsel has further pointed out that there are call details between the petitioner and the co-accused Ranjit.

Learned counsel for the petitioner in rebuttal has submitted that in the present case alleged recovery even from the said Ranjit is of non-commercial quantity, i.e. 15 grams of intoxicant substance and the petitioner is not involved in any other case and the said calls have been made on account of the petitioner being on friendly terms with co-accused Ranjit.

Keeping in view the above said facts and circumstances moreso, the facts which have been noticed in the order dated 16.11.2021 and also the fact that the petitioner has joined the investigation and is not required for further investigation, the present petition for anticipatory bail is allowed and the interim order dated 16.11.2021 is made absolute.

Nothing stated above shall be construed as an expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

(VIKAS BAHL)
JUDGE

January 21, 2022

Davinder Kumar

Whether speaking / reasoned

Yes/No

Whether reportable

Yes/No