

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

CRM-M-49110-2021 (O&M)

Date of Decision:-9.5.2022

Sher Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Satvir Singh, Advocate for
Mr. Amandeep Singh Manaise, Advocate for the petitioner.

Mr. Tanvir Joshi, AAG, Punjab,
assisted by ASI Bhupinder Singh.

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.67 dated 12.9.2021, Police Station Dorangla, District Gurdaspur, under Sections 21(c) and 29 of Narcotic Drugs & Psychotropic Substances Act.
2. At the time of issuance of notice of motion on 24.11.2021, the following order was passed:

“The petitioner has approached this Court seeking grant of anticipatory bail in a case registered vide FIR No.67, dated 12.9.2021, Police Station Dorangla, District Gurdaspur, under Sections 21(c) and 29 of NDPS Act.

As per the case of prosecution one Ashwani Kumar was apprehended by the police and from whose possession 395 grams of 'Heroin' was recovered. It is further the case of prosecution that upon interrogation he disclosed that the said 'Heroin' had been procured from Sher Singh @ Shera (petitioner) and that he was to deliver the same to Suresh Kumari @ Sarvesh Kumari.

Learned counsel for the petitioner submits that he was never ever found at the spot from where recovery was effected from co-accused and has been nominated on the basis of a disclosure statement which cannot be said to be a convincing or sufficient evidence to connect the petitioner with the alleged occurrence.

Notice of motion for 20.4.2022.

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 the 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 the Investigating Officer, has informed that pursuant to interim directions, the petitioner has since joined investigation and is not required for any custodial interrogation. It has also been informed that the petitioner is not involved in any other case.
4. Having regard to the aforestated position, wherein the petitioner is stated to have joined investigation and is not required for any custodial interrogation and is not even stated to be involved in any other case, the petition is accepted and the interim directions issued by this Court vide order dated 24.11.2021 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.

9.5.2022

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No