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

CRM-M-49121-2021

Date of decision : 09.02.2022

Gurdeep Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. P.S. Ahluwalia, Advocate for the petitioner.

Mr. Sarabjit S. Cheema, AAG, Punjab.

(Through Video Conferencing)

VIKAS BAHL, J. (ORAL)

Prayer in the present petition is for grant of anticipatory bail to the petitioner in FIR No.143 dated 25.10.2021 registered under Sections 22 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (Section 29 of NDPS Act has been added later on) at Police Station Bassi Pathana, District Fatehgarh Sahib, Punjab.

On 24.11.2021, this Court had passed the following order:-

“Learned counsel for the petitioner, inter-alia, contends that no recovery has been effected from the petitioner in the present case and the petitioner has also been implicated on the basis of disclosure statement made by co-accused Kamalpreet Singh and Narinder Singh and has relied upon the judgment passed in CRM-M-12051-

2020, by a Co-ordinate Bench of this Court dated 17.06.2020 titled as “Mewa Singh Vs. State of Punjab” and the judgment passed in CRM-M-12997-2020 titled as “Daljit Singh Vs. State of Haryana”, to contend that merely on the basis of disclosure statement of the co-accused, the petitioner cannot be denied the benefit of bail.

Notice of motion for 10.12.2021.

Mr. Sarabjit Singh, AAG, Punjab, appears and accepts notice on behalf of the respondent-State. He is directed to get instructions with respect to whether there are any call details between the petitioner and the accused from whom recovery has been made or any other incriminating evidence against the petitioner.

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 petitioner has submitted that in pursuance of the abovesaid order dated 24.11.2021, the petitioner has joined the investigation.

Learned counsel for the State, on instructions from SI Raj Bant Singh, has submitted that the petitioner has joined the investigation and is not required for any further custodial interrogation. He has further submitted that there are no phone call details between the petitioner and the accused from whom the recovery has been effected.

Keeping in view the abovesaid facts and circumstances moreso, the facts which have been noticed in abovesaid order dated 24.11.2021 and

also the fact that the petitioner has joined the investigation and is not required for further custodial interrogation, the present petition is allowed and the interim order dated 24.11.2021 is ordered to be made absolute.

However, 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 application.

09.02.2022

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No