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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-45624-2022

Date of Decision: 16.11.2022

KULDEEP SINGH

..... Petitioner

Versus

STATE OF PUNJAB

..... Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. Harlove Singh Rajput, Advocate and
Mr. Suvir Sidhu, Advocate
for the petitioner.

Mr. J.P. Ratra, Sr. DAG, Punjab.

JAGMOHAN BANSAL, J. (Oral)

A Co-ordinate Bench of this Court on 30.09.2022 passed
following order:

“Prayer in this petition, filed under Section 438 of the Code of Criminal Procedure, 1973, is for grant of anticipatory bail to the petitioner, who has been booked for having committed the offences punishable under Sections 18, 25 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, in a case arising out of FIR No. 58, dated 10.05.2022, registered at Police Station Kulgarhi, District Ferozepur.

Learned counsel for the petitioner submits that petitioner is dragged in the present case only for the reason that he is registered owner of the vehicle, whereas recovery has been effected from the vehicle itself at the instance of co-accused who was occupying the same at the relevant time.

Learned counsel for the petitioner submits that Inspector Parminder Singh, No. 348/JR, is the complainant in the present FIR, which has been registered against four accused including the petitioner. Learned counsel refers to column No. 12 of the FIR, wherein name of complainant Parminder Singh and six other police officials as his associates, are mentioned. Learned counsel further refers to FIR No. 90, dated 25.07.2022 (Annexure P-4), registered at Police Station Cantt., District Ferozepur, wherein Inspector Parminder Singh Bajwa and other police officials have been arrayed as accused for the offences punishable under Sections 166, 167, 195, 471, 218 and 120-B IPC, Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985, and Section 13 of the Prevention of Corruption Act, 1988.

Learned counsel for the petitioner submits that as per instructions passed on to him, all the police officials who were members of the police party in the FIR registered against the petitioner, i.e. FIR No. 58, dated 10.05.2022 (Annexure P-1), have already been dismissed from service.

Learned counsel further refers to FIR No. 99, dated 01.08.2022 (Annexure P-5), Police Station Kulgari, District Ferozepur, which was got registered by DSP Yadwinder Singh, No. 40/FR, for the offence punishable under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985, against Inspector Parminder Singh Bajwa, whereby huge quantity of intoxicated powder is shown to be recovered.

Learned counsel also refers to an order dated 15.06.2022 (Annexure P-6), passed by learned Judge, Special Court, Ferozepur, wherein direction has been

issued to the Nodal Officers of telecom companies to preserve the call details and tower locations of mobile numbers as mentioned in para No. 3 of the said order. Besides this, authorized officers of concerned Toll Plazas were also directed to preserve CCTV Footage and tax receipts. Learned counsel submits that said direction has been passed upon an application filed by an accused, under Section 91 Cr.P.C.

Learned counsel for the petitioner also relies upon the stand taken by him before the Director General of Police, Punjab, in an application, whereby prayer has been made for conducting of fair and impartial inquiry in case FIR No. 58, dated 10.05.2022.

Notice of motion.

Mr. J.S. Arora, Deputy Advocate General, Punjab, who is present in the Court, accepts notice on behalf of the respondent-State. Copy of the paper book has already been supplied to him. He prays for some time to seek instructions and to file response/status report.

Adjourned to 14.10.2022.

No coercive action would be taken against the petitioner till the next date of hearing.”

Vide order dated 30.09.2022 of this Court, the respondents were directed not to take any coercive action against the petitioner.

Learned State counsel submits that challan *qua* other accused stands filed and investigation could not be completed against the petitioner due to order dated 30.09.2022.

This Court had directed the State not to take coercive action against the petitioner, however, investigation was never stalled. The

State is free to investigate the matter and file challan against the petitioner. There seems no reason to keep the matter in abeyance. Therefore, the petitioner is directed to join investigation as and when summoned by Investigating Officer who would proceed subject to order dated 30.09.2022 passed by this Court.

Disposed of.

(JAGMOHAN BANSAL)
JUDGE

16.11.2022
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Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>