

205 IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

\*\*\*\*

CRM-M-52947-2021

Date of Decision: 22.02.2022

Manjot Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. Divyadeep Walia, Advocate,  
for the petitioner.

Mr. Sandeep Singh Deol, DAG, Punjab.

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**HARSIMRAN SINGH SETHI J. (ORAL)**

The petitioner is seeking anticipatory bail in FIR No.131, dated 21.11.2021, under Sections 22/61 of the NDPS Act (Section 29 of the NDPS Act added later on vide DDR No.029, dated 23.11.2021), registered at Police Station Ghuman, District Batala.

Learned counsel for the petitioner contends that the petitioner has joined the investigation in terms of the order dated 17.12.2021, passed by this Court, which is as under:-

**“CRM-43557-2021**

*As prayed for, the application is allowed.*

**CRM-M-52947-2021**

*Present petition has been filed under Section 438 Cr.P.C for the grant of anticipatory bail to the petitioner in respect of FIR No.131 dated 21.11.2021 registered under Sections 22 and 61 of the NDPS Act, 1985 (Section 29 of the NDPS Act, 1985 added later on vide DDR No.029 dated 23.11.2021 at Police Station*

*Ghuman, District Batala) at Police Station Ghuman, District Batala.*

*Learned counsel for the petitioner argues that the petitioner has been roped in the present case only on the basis of the disclosure statement of the co-accused namely Nirmal Singh, to the effect that contraband, which has been recovered from him, was meant for sale to the petitioner. Learned counsel for the petitioner submits that the petitioner has been involved in the present case merely on the basis of the disclosure statement of the co-accused and that too without any corroborating evidence. Learned counsel for the petitioner further submits that nothing is to be recovered from the petitioner and as the petitioner is ready to join the investigation and cooperate with the same, he may kindly be extended the benefit of anticipatory bail.*

*Notice of motion.*

*Mr. Sandeep Singh Deol, learned Deputy Advocate General, Punjab, who is present in the Court, keeping in view the service of advance copy of petition, accepts notice on behalf of the respondent-State.*

*Learned counsel for the respondent-State submits that the contraband was recovered from co-accused Nirmal Singh and his son Parminder Singh. On the basis of the disclosure statement of the said co-accuseds to the effect that the said contraband was meant for the petitioner, the petitioner has been roped in the present case. Learned counsel for the respondent-State further submits that custodial interrogation of the petitioner is necessary to find out as to whether the petitioner has been sold that contraband on earlier occasion as well as how the petitioner would have dispossessed the contraband after the receipt of the same.*

*I have heard learned counsel for the parties and have gone through the record with their able assistance.*

*Keeping in view the fact that nothing has been recovered from the petitioner and the petitioner has been roped in the present case on the basis of the disclosure statement of the co-accused and according to which, the contraband was meant to be sold to the petitioner, the purpose of investigation will be achieved in case, the petitioner is directed to join the investigation and cooperate with the same.*

*Petitioner is directed to join the investigation forthwith.*

*In the event of his arrest, he shall be released on interim bail to the satisfaction of the Arresting Officer/Investigating Officer on his furnishing bail bonds/surety bonds to his/her satisfaction subject to the following conditions:*

*i) That he shall make himself available for interrogation by the police officer as and when required.*

*(ii) That he shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the said facts to the Court or to any police officer.*

*(iii) That he shall not leave India without prior permission of the Court.*

*(iv) That he shall abide by all the conditions as enshrined under Section 438 (2) Cr.P.C.*

*Adjourned to 22.02.2022.*

*It is, however, made clear that after the petitioner join the investigation, in case any incriminating*

*material comes against the petitioner, the respondent-State will be at liberty to file appropriate application seeking the custody of the petitioner in case, the same is needed.”*

Learned State counsel, on instructions from ASI Harjinder Singh, states that in terms of the order of this Court reproduced before, the petitioner has joined the investigation and no further interrogation is required at this stage.

Learned counsel for the petitioner undertakes that petitioner will join investigation and also cooperate with the investigating agency in case he is required for the same in future as well.

In view of the above, the order dated 17.12.2021 granting interim bail to the petitioner is made absolute.

However, the petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C. He shall also join investigation as and when called upon to do so.

In case at any given point of time hereinafter, it is felt by the investigating agency that petitioner is required for the investigation but is not cooperating, they shall be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

22.02.2022

Apurva

(HARSIMRAN SINGH SETHI)  
JUDGE

1. Whether speaking/reasoned : Yes

2. Whether reportable : No