

206 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-53668-2021

Date of Decision: 22.02.2022

Buta Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Sumeet Singh Brar, Advocate,
for the petitioner.

Mr. Sandeep Singh Deol, DAG, Punjab.

HARSIMRAN SINGH SETHI J. (ORAL)

The petitioner is seeking anticipatory bail in FIR No.173, dated 09.10.2021, under Sections 20, 25 and 29 of the NDPS Act, registered at Police Station Sadar Bathinda, District Bathinda, Punjab.

Learned counsel for the petitioner contends that the petitioner has joined the investigation in terms of the order dated 22.12.2021, passed by this Court, which is as under:-

“The present petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail in FIR No.173 dated 09.10.2021, registered under Sections 20,25,29 of NDPS Act, 1985 at Police Station Sadar Bathinda, District Bathinda, Punjab.

Learned counsel for the petitioner submits that the petitioner has been roped in the present case on the basis of disclosure statement of the co-accused Raj Kumar from whom 50 kg ganja was recovered. Learned counsel submits that the disclosure statement of co-

accused carries no weightage so as to implicate the petitioner of the allegations being alleged. Learned counsel for the petitioner further submits that the petitioner is ready to join the investigation and cooperate and nothing is to be recovered from him, therefore, he be granted the benefit of anticipatory bail.

Notice of motion.

Mr. Sandeep Singh Deol, Deputy Advocate General, Punjab, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition, accepts notice on behalf of the respondent-State.

Learned State counsel submits that though no recovery has been made from the petitioner but as the petitioner has been named in the disclosure statement by the co-accused that the contraband belongs to the petitioner and the co-accused Raj Kumar was only helping out the petitioner, the custodial interrogation of the petitioner is necessary to find out the source of purchase of the contraband and where the same was to be sold.

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

Once the petitioner has not been arrested at the spot with the contraband and no recovery has been effected from the petitioner and as of now, the petitioner has been roped in only on the basis of disclosure statement of the co-accused, the purpose of investigation can be achieved in case the petitioner is directed to join the investigation and cooperate with the same.

As the petitioner has undertaken to join the investigation and co-operate with the same, he has made out a case for the grant of anticipatory bail.

Petitioner is directed to join the investigation forthwith.

In the event of their 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 Nachhattar 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 22.12.2021 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