

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

CRM-M-56497-2022

Date of Decision: 07.12.2022

Jaspinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: Mr.Santpal Singh Sidhu, Advocate
for the petitioner

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

ASHOK KUMAR VERMA, J.

The instant petition under Section 438 Cr.P.C. has been preferred by petitioner for grant of pre-arrest bail, in the event of appearance before the trial court in case FIR No.29 dated 2.4.2020 under Sections 18, 25 of the NDPS Act, 1985 registered at Police Station Mamdot, District Ferozepur.

Learned counsel for the petitioner, inter alia, contends that during investigation, the petitioner was found to be innocent and one Lakhwinder Singh was nominated as accused on 4.4.2020. The petitioner was discharged by the police. Challan was presented only against Lakhwinder Singh. Though there are no allegations against the petitioner that he has committed any crime but during pendency of trial, prosecution has examined PW1- Rajni Bala, Revenue Patwari who deposed that as per record, the land is in the ownership of Kashmir Singh and Balvir Singh, co-accused of the petitioner. After deposition of PW1, application under Section 319 of the Cr.P.C. was moved and the trial court summoned the petitioner as additional accused alongwith aforesaid Kashmir Singh and

Balvir Singh vide its order dated 26.9.2022 (Annexure P-2). Learned counsel submits that on investigation, it was found that the land from which the alleged recovery was effected falls within the share of Lakhwinder Singh. Thus the petitioner has not committed any crime. Learned counsel submits that aforesaid Kashmir Singh and Balvir Singh have already been granted anticipatory bail by this Court vide order dated 30.11.2022 passed in CRM-M-55294-2022. The petitioner is already ready and willing to join the proceedings.

Notice of motion.

On the asking of the Court, Mr. J.P.Ratra, Sr.DAG, Punjab accepts notice on behalf of the State of Punjab.

Learned counsel for the State vehemently opposes the grant of anticipatory bail to the petitioner on the ground that he has been summoned by the trial court.

I have heard learned counsel for the parties and gone through the paper-book.

Admittedly, the petitioner has not been named in the FIR. Even on investigation by the police, the petitioner has not been nominated as accused. It was after deposition of PW1 before the trial court, application under Section 319 of the Cr.P.C. was moved against the petitioner and aforesaid Kashmir Singh and Balvir Singh and the trial court summoned the petitioner as additional accused alongwith Kashmir Singh and Balvir Singh vide its order dated 26.9.2022 (Annexure P-2). Kashmir Singh and Balvir Singh have already been granted anticipatory bail by this Court. Moreover, if accused show his sincere intention and desire to join the criminal proceedings, then it would be justified to protect him from being arrested.

Keeping in view the above fact and without commenting on the merits of the case, this petition is disposed of with a direction to the petitioner to appear/surrender before the trial Court within 10 days from today. On doing so, the petitioner shall be released on bail, subject to furnishing fresh bail/surety bonds to the satisfaction of the trial Court. In case of failure to do so, this petition for anticipatory bail shall be deemed to have been dismissed.

(ASHOK KUMAR VERMA)
JUDGE

07.12.2022
MFK

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