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

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Date of Decision: 15.05.2023

Suba Singh

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Mr. J.K. Singla, Advocate
for the petitioner.

Mr. Harjinder S. Sidhu, AAG, Punjab.

HARSH BUNGER, J. (Oral)

Prayer in the present petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in case FIR No.04, dated 13.01.2023, registered under Sections 22-C, 25, 27 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Sadar Budhlada, District Mansa.

2. On 16.03.2023 the following order was passed by this Court :-

“Prayer in the present petition, filed under Section 438 of the Code of Criminal Procedure, is for grant of anticipatory bail to the petitioner in case FIR No.04 dated 13.01.2023, registered under Sections 22-C, 25, 27 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Sadar Budhlada, District Mansa.

Learned counsel for the petitioner submits that the petitioner is innocent and he has not committed any offence and he has been falsely implicated in this case. He submits that the present FIR has been registered against Nirmal Dass @ Lakhi s/o Ram Nath and Mandeep Singh @ Kala s/o Jagsir Singh, resident of village Guraddi due to recovery of 4500 intoxicant tablets of Tramadol and during investigation, they disclosed name of the petitioner. It is submitted that there is no other evidence against the petitioner, except the disclosure statement

made by co-accused, to connect the petitioner in the present case. It is contended that the petitioner does not know the co-accused nor petitioner has met the co-accused. It is further submitted that no recovery has been effected from the possession of the petitioner. Learned counsel next submits that the petitioner is not involved in any other case. Learned counsel submits that the bail application moved by the petitioner under Section 438 of the Code of Criminal Procedure Code, for grant of anticipatory bail has wrongly been dismissed by the learned Judge, Special Court, Mansa, vide its order dated 01.02.2023. It is also submitted that the petitioner is ready and willing to join investigation as and when required by the Investigating Agency or as directed by this Court or trial Court.

Learned counsel appearing on behalf of the State opposes the petitioner's plea for bail on the ground of seriousness of the offence, however, it is not disputed by learned State counsel that the petitioner has been nominated as accused on the basis of disclosure statement of co-accused and petitioner is not involved in any other case and no recovery has been effected from the petitioner. Learned State counsel further submits that the sample parcels were deposited by the Investigating Officer before the office of RTFSL, Bathinda, however, the report in this respect is still awaited.

List on 15.05.2023.

In the meanwhile, in the event of arrest of the petitioner, he shall be released on ad interim bail to the satisfaction of the Investigating/ Arresting Officer. However, he shall join the investigation as and when directed by the Investigating agency and shall abide by the terms and conditions laid down under Section 438(2) Cr.P.C."

3. Learned counsel for the petitioner submits that pursuant to the aforesaid order, the petitioner has joined the investigation.
4. Learned State counsel on instructions from ASI Nazar Singh has not disputed the aforesaid fact of joining of investigation by the petitioner and submits that his custodial interrogation is not required at this stage.
5. Heard learned counsel for the parties.
6. Since the petitioner has joined the investigation and his

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custodial interrogation is not required at this stage, the present petition is allowed and the ad-interim order dated 16.03.2023 passed by this Court is made absolute.

7. However, the petitioner shall continue to join the investigation as and when required to do so and abide by all the conditions laid down under Section 438(2) Cr.P.C.

8. It is made clear that if the petitioner fails to comply with any of the bail conditions laid down under Section 438(2) Cr.P.C, the State would be at liberty to move an application for cancellation of this anticipatory bail granted to the petitioner.

9. Nothing expressed here-in-above shall be construed to be an observation on merits of the case and the facts and circumstances recorded above are only for consideration of the prayer for anticipatory bail at this stage.

10. The petition is accordingly disposed of.

15.05.2023
Himani

(HARSH BUNGER)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No