

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

208

CRM-M-7765-2023
Date of decision: 27.03.2023

KHUSHDEEP SINGH SIDHU @ KHUSHI

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. S. S. Sidhu, Advocate
for the petitioner.

Mr. H. S. Sullar, Sr. DAG, Punjab.

AMAN CHAUDHARY. J.

Present petition has been filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail in FIR No. 71 dated 27.05.2022, under Sections 21(b), 22(c), 29 of the NDPS Act, Sections 25, 27 of the Arms Act and Sections 279 and 427 of IPC (Section 29 of the Arms Act added later on vide DDR No. 36 dated 07.01.2023) registered at Police Station City Rampura, District Bathinda.

On 16.02.2023, this Court had passed the following order:-

“The present petition has been filed under Section 438 Cr. P.C. for grant of pre-arrest bail to the petitioner in case FIR No.71 dated 27.05.2022, registered under Sections 21(b), 22(c), 29 of the NDPS Act, Sections 25, 27 of Arms Act and Sections 279 and 427 of IPC at Police Station City Rampura, District Bathinda in which (later on Section 29 of the Arms Act, added vide DDR No.36 dated 07.01.2023).

Learned counsel contends that there is no allegation qua the

petitioner with regard to the offences falling under the NDPS Act. The allegations against the petitioner being of having purchased a pistol along with two other coaccused namely Sukhwinder Singh @ Sona and Surinder Singh @ Chindda Baba from co-accused Head Constable Sandeep Singh, which arm is alleged to have been given to co-accused Sahil Kumar. He further states that one Ritik was apprehended by the police with the contraband, a pistol, empty envelops and currency, who further in his disclosure statement named Sahil Kumar. Consequently, the aforesaid co-accused Sahil Kumar was arrested on 16.06.2022. Challan was presented against Sahil Kumar and Ritik Kumar on 21.11.2022, whereafter, the charges were framed against them on 29.11.2022 under the NDPS Act, Arms Act as well as IPC. It is on 07.01.2023, when the case was fixed for prosecution evidence, a DDR No.36 dated 07.01.2023 Annexure P-2 was got registered, wherein co-accused Sahil Kumar has nominated the petitioner along with three other co-accused namely Sukhwinder Singh @ Soni, Surinder Singh @ Chinda and HC Sandeep Singh with regard to the sale and purchase of the aforesaid pistol. One more FIR No.165 dated 27.11.2022 got registered against Sandeep Singh, wherein also as per the disclosure statement of Sandeep Singh on 10.01.2023, DDR No.23 dated 10.01.2023 Annexure P-3 was recorded, wherein a number of persons including the petitioner have been named in the said FIR as well. He further submits that the petitioner is ready and willing to join investigation as and when required by the investigating agency.

Notice of motion.

At the asking of the Court, Mr. Manipal Singh Atwal, DAG Punjab. accepts notice on behalf of respondent-State.

Meanwhile, the petitioner is directed to join the investigation on or before 22.02.2023. In the event of arrest of the petitioner, he shall be released on interim bail to the satisfaction of the Arresting Officer, subject to compliance enshrined under Section 438(2) Cr.P.C.

However, it is clarified that if the petitioner does not join and

cooperate with the Investigating Agency as required by the Arresting/Investigating Officer, this interim order shall be deemed to have been vacated.

Adjourned to 27.03.2023.”

Learned counsel for the petitioner submits that in pursuance of the above order, the petitioner has not only joined investigation but has also fully cooperated with the investigating agency. He further submits that in case the investigating agency requires the petitioner to appear, he shall make himself available without demur.

Learned State counsel on instructions affirms the factum of joining the investigation by the petitioner and cooperating with the investigation agency. He also submits that at this stage, the petitioner is not required for further custodial interrogation.

In view of the above and without expressing any opinion on the merits of the case, anticipatory bail petition filed by the petitioner is allowed and the order dated 16.02.2023 granting interim bail to him, is hereby made absolute, subject to compliance of conditions as specified under Section 438(2) Cr. P.C

However, it is made clear that if the petitioner fails to join and cooperate with the investigation agency as and when required, the State would be at liberty to move an application for cancellation of the present anticipatory bail granted to him.

(AMAN CHAUDHARY)
JUDGE

27.03.2023

Mehak

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>