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

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Date of Decision: 17.05.2023

Vikramjeet Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Mr. Premjit Singh Hundal, 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.165, dated 03.12.2022, registered under Sections 18, 18(b), 25 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Dugri, District Ludhiana.

2. On 13.03.2023 the following order was passed by this Court :-

“Prayer in this petition, filed under Section 438 of the Code of Criminal Procedure, 1973, is for grant of anticipatory bail to the petitioner, in case FIR No.165 dated 03.12.2022, registered under Sections 18, 18(b), 25 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station Dugri, District Ludhiana.

As per prosecution version, on 03.12.2022, ASI Gurdeep Singh received a secret information that Mandeep Singh @ Deepi and Harjot Singh, who had a Baleno Car bearing registration No.PB10-GW-4300 (colour `silver`), used to sell opium and are coming from the side of Pakhowal Road, Bridge Canal towards Village Jawaddi and if a Nakabandi is laid, then they can be apprehended with opium. Thereafter, ASI Gurdeep

Singh sent a ruqa and accordingly, the accused were apprehended and recovery was effected from them.

Learned counsel for the petitioner contends that the petitioner is innocent and has falsely been implicated in the present case. He submits that nothing has been recovered from the conscious possession of the petitioner and he has been arrayed as an accused in the present case under Section 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 on the statement of co-accused Harjot Singh. He further submits that no private person or any respectable person of the area was joined into the police party as private witness. It is submitted that the alleged recovery from co-accused is 500 grams of opium, which falls under the category of non-commercial quantity, hence rigors of Section 37 of the Narcotic Drugs and Psychotropic Substances Act, are not attracted. Learned counsel submits that bail application moved by the petitioner before the learned Judge, Special Court, Ludhiana, has wrongly been dismissed vide order dated 01.03.2023 (Annexure P-2). He further submits that there is no other case except the present one, pending against the petitioner and the petitioner is ready and willing to join investigation as and when required by the Investigating Agency or as directed by this Court/trial Court.

Notice of motion.

On the asking of the Court, Mr. Subhash Godara, Additional Advocate General, Punjab, who is present in the Court, accepts notice on behalf of the respondent-State and opposes the petitioner's prayer for interim anticipatory bail on the ground of seriousness of offence; however, he seeks an accommodation to get instructions.

List on 11.05.2023.

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.

A copy of the complete paper book be supplied to learned State counsel by the learned counsel for the petitioner during course of the day."

3. Learned counsel for the petitioner submits that pursuant to the aforesaid order, the petitioner has joined the investigation.

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4. Learned State counsel on instructions from ASI Amarjit Kumar 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 custodial interrogation is not required at this stage, the present petition is allowed and the ad-interim order dated 13.03.2023 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.

17.05.2023
Himani

(HARSH BUNGER)
JUDGE

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