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

CRM-M-13448-2023

Date of Decision: 15.05.2023

Narinder Pal @ Ninder

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Mr. Balwan Singh, Advocate for
Mr. Piyush Khanna, 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.008 dated 24.01.2023, registered under Sections 22 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Chabbewal, District Hoshiarpur.

2. On 17.03.2023 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.008 dated 24.01.2023, registered under Sections 22 and 29 of the Narcotic Drugs and Psychotropic Substances Act, at Police Station Chabbewal, District Hoshiarpur.

Learned counsel for the petitioner, inter alia, contends that the petitioner is innocent and has falsely been implicated in the present case on the basis of disclosure statement of main accused-Karnail Singh. He further submits that the petitioner is not named in the FIR. It is also submitted that nothing is to be recovered from the present petitioner and the main accused Karnail Singh, from whom the alleged recovery of 32 grams of intoxicant powder has been effected, has been granted interim

bail till the receipt of report of Chemical Examiner by the learned Judge, Special Court, Hoshiarpur; vide order dated 21.02.2023 (Annexure P-3). It is submitted that till date, report of Chemical Examiner has not been received; however; the pre-arrest bail applied by the petitioner has wrongly been dismissed by the learned Additional Sessions Judge, Hoshiarpur, vide order dated 06.02.2023 (Annexure P-2). Learned counsel 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/trial Court.

Notice of motion.

On the asking of the Court, Mr. Harjinder Singh Sidhu, Assistant 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. He further submits that except the present case, two other cases are pending qua the petitioner; however, he does not dispute that the petitioner in those cases is on bail.

Keeping in view the fact that no recovery was effected from the petitioner and his name had figured in a disclosure statement; coupled with the fact that the main accused namely, Karnail Singh, has already been granted interim bail till receipt of report of Chemical Examiner, this Court is inclined to grant interim bail to the petitioner.

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.
4. Learned State counsel on instructions from ASI Kulwinder 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

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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 17.03.2023 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