2023:PHHC:098114

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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CRM-M-15025-2022
Date of decision: 01.08.2023

Paramjit Singh .....Petitioner

Versus

State of Punjab .....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Bhavesh Aggarwal, Advocate
for the petitioner.

Mr. P.S. Grewal, DAG, Punjab.

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MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of anticipatory bail under Section 438 of the Cr.P.C. in case FIR No.40 dated 19.5.2021 registered under Sections 21-C of NDPS Act (Sections 29, 25 of NDPS Act added later on) at Police Station Sarai Amanat Khan, District Tarn Taran.

2. On 08.04.2022, while noticing the following submissions made by the learned counsel for the petitioner, a Coordinate Bench of this Court had granted the concession of interim bail to the petitioner and asked him/her/them to join investigation:-

> *"Counsel for the petitioner submitted that the petitioner was not named in the FIR and rather has been nominated as accused on the basis of alleged disclosure made by co-accused Manpreet Singh, his real brother. He further contended that it is not the story of the prosecution that the petitioner escaped from the spot when the alleged recovery of 500 grams of Heroin was effected from co-accused Manpreet Singh. He further submitted that the petitioner is ready to join the investigation with the police."*

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3. Learned counsel for the petitioner submits that in compliance of order dated 08.04.2022, the petitioner has joined investigation and cooperated with the investigating agency.

4. Learned State counsel, on instructions, does not dispute the factum of the petitioner having joined investigation and cooperated with the investigating agency.

5. On a pointed query put to the learned State counsel as to whether the petitioner is involved in any other case under the NDPS Act, he on instructions, has replied in the negative.

6. Learned State counsel, on further instructions, submits that the petitioner is not required for further investigation much less for his custodial interrogation.

7. In view of the above, the petition is allowed and interim order dated 08.04.2022, is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C. Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

01.08.2023 (**MANJARI NEHRU KAUL**)
Vinay **JUDGE**

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

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