

CRM-M-15310-2023

DECIDED ON: 27th MARCH, 2023

GURBAAZ SINGH

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLR MR. JUSTICE SANDEEP MOUDGIL.

Present: Ms. Dhivya Jerath, Advocate
for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

The jurisdiction of this Court under Section 438 Cr.P.C., has been invoked seeking direction to the arresting officer to release the petitioner on bail forthwith in event of his arrest in FIR No. 84, dated 01.07.2022 (Annexure P-1), under Sections 21 and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act').

It is contended by learned counsel for the petitioner that the petitioner was granted the concession of anticipatory bail under Section 21 of NDPS Act by this Court vide order dated 20.10.2022, which was later on made absolute vide order dated 17.02.2023 (Annexure P-5). It is further contended that due to typographical error and oversight the provision of Section 29 of NDPS Act, has not been mentioned in the petition, despite the fact that the same was duly mentioned in the first paragraph of the order dated 11.10.2022 (Annexure P-2) passed by the trial Court while declining the concession of anticipatory bail to the petitioner.

She has drawn attention of this Court to the order dated

regular bail to the co-accused namely Gurpreet Singh the provisions of NDPS Act have been correctly mentioned i.e. under Sections 21, 29 and 61 of NDPS Act, 1985.

Notice of motion.

On the asking of Court, Mr. Rajiv Verma, DAG, Punjab accepts notice on behalf of respondent-State and submits that Section 29 of NDPS Act was added on 03.07.2022 i.e. much prior to the filing of the application seeking anticipatory bail to the petitioner before the trial Court, which was adjudicated on 11.10.2022.

Be that as it may, after having gone through the order of the co-accused namely Gurpreet Singh as well as submissions made by learned counsel for the petitioner, this Court is convinced that omission of Section 29 of NDPS Act in the petition which was disposed off by making the interim order absolute on 17.02.2023, was primarily on account of oversight.

In view of afore-said discussions the prayer made in the present petition stands allowed and petitioner be deemed to be on anticipatory bail under Section 29 of NDPS Act also.

In the event of his arrest, the petitioner shall be released on bail subject to his furnishing adequate bail bonds, which already stands furnished before the Arresting Officer/Investigating Officer. He is also directed to join the investigation as and when called for. He shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

(SANDEEP MOUDGIL)
JUDGE

27th MARCH, 2023
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Whether speaking/reasoned Yes/No
Whether reportable Yes/No