

205 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Neutral Citation No. 2023:PHHC:092362
CRM-M-17384-2023
Date of Decision: July 21, 2023

Ravi Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Manjinder Singh Saini, Advocate for the petitioner.

Mr. M.S. Nagra, AAG, Punjab.

DEEPAK GUPTA, J.(Oral)

On 25.05.2023, following order was passed by this Court:-

“The instant petition has been filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail to the petitioner in case FIR No.056, dated 25.03.2023 registered under Section 18 of the NDPS Act, at Police Station Mahilpur, District Hoshiarpur, Punjab (Annexure P-1).

2. Learned counsel for the petitioner interalia contends that the petitioner is innocent and has been falsely implicated in this case. As per learned counsel for the petitioner, petitioner is nominated in the FIR by the police on the basis of disclosure statement of one Gurpal who claimed to be working in the agricultural land of the petitioner. He further submits that on the basis of the disclosure statement of the accused the present petitioner has been nominated under Section 29 of the NDPS Act on 26.03.2023. He further submitted that although there are two other cases pending against the petitioner but the same are not under NDPS Act, hence he prayed for grant of anticipatory bail.

3. On the other hand Learned State counsel has opposed the bail by arguing that the petitioner has been nominated on the basis of the disclosure statement made by the main accused Gurpal who had been working in the agricultural land of the petitioner. He further submits that two other cases are also registered against the petitioner but admitted that the same are not under NDPS Act, as such he prayed for dismissal of bail application.

4. Heard.

5. After considering the respective submissions and perusing

reply filed by the State, it transpires that the main accused Gurpal was arrested by police on 25.03.2023 in the present FIR No. 56 under Section 18 of NDPS Act registered at Police Station Mahilpur, District Hoshiarpur on the recovery of 1 Kg and 50 grams opium. It is, on the basis of his disclosed statement police has nominated the petitioner, vide DDR No.18 dated 26.03.2023 under Section 29 of NDPS Act. The alleged recovery from the co-accused is not of commercial quantity and the present petitioner has been nominated on the basis of disclosure of co accused Gurpal who happens to be working in his agricultural land, so, in these circumstances, it is deemed appropriate that before deciding the petition on merits the petitioner should join the investigation, accordingly the petitioner is directed to join investigation within seven days and in the event of the arrest of the petitioner, he shall be released on interim bail on his furnishing personal/surety bonds to the satisfaction of the Arresting Officer/Investigating Officer. He shall also abide by conditions as envisaged under Section 438(2) Cr.P.C.

6. List on 10.07.2023.”

Today, on instructions from ASI Harbans Singh, it is informed by learned State counsel that the petitioner has since joined the investigation and is no longer required for further interrogation.

In view of the above statement, order dated 25.05.2023, is hereby made absolute. However, petitioner shall continue to join investigation, if and so required by the Investigating Officer.

Disposed of.

July 21, 2023
sarita

(DEEPAK GUPTA)
JUDGE

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