

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

205

CRM-M-18980-2023 (O&M)**Date of decision: 31.05.2023**

Gurdev Singh

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Gagandeep Singh Sirphikhi, Advocate for the petitioner

Mr. Manipal Singh Atwal, DAG Punjab

AMAN CHAUDHARY. J.

1. On 19.04.2023, this Court had passed the following order:-

“The present petition has been filed under Section 438 Cr. P.C. for grant of pre-arrest bail to the petitioner in case FIR No.05 dated 23.01.2023, registered under Sections 21(B)/61/85 and Section 29 of the NDPS Act at Police Station Tibber, District Gurdaspur.

Learned counsel contends that the petitioner was not named in the FIR, however, his implication is based on the disclosure statement of co-accused Gurpreet, whose name was disclosed by Ajay and Balwinder, who were arrested at the spot with the alleged contraband, which is non-commercial as per the Schedule of the NDPS Act. He is not involved in any other case under the NDPS Act. He relies on the judgment passed by Hon'ble The Supreme Court in **Toofan Singh vs. State of Tamil Nadu**, 2021 (1) RCR (Criminal) 1. Learned counsel submits that the petitioner is ready and willing to join investigation as and when required by the investigating agency.

Notice of motion.

At the asking of the Court, Mr. Manipal Singh Atwal, DAG Punjab accepts notice on behalf of respondent-State.

Meanwhile, the petitioner is directed to join the investigation on or before 25.04.2023. In the event of arrest of the petitioner, he shall be released on interim bail to the satisfaction of the Arresting Officer, subject to compliance enshrined under Section 438(2) Cr.P.C.

However, it is clarified that if the petitioner does not join and cooperate with the Investigating Agency as required by the Arresting/Investigating Officer, this interim order shall be deemed to have been vacated.

Adjourned to 31.05.2023.”

2. Learned counsel submits that in pursuance of the aforesaid order, the petitioner has not only joined investigation but also fully cooperated with the investigating agency. He further submits that the petitioner is not involved in any other case and in case the investigating agency requires the petitioner to appear, he shall make himself available without demur.
3. Learned State counsel on instructions from ASI Mohinder Pal affirms the factum of joining the investigation by the petitioner, cooperating with the investigating agency and that he is not involved in any other case. He also submits that at this stage, the petitioner is not required for further custodial interrogation.
4. In view of the above and without expressing any opinion on the merits of the case, anticipatory bail petition filed by the petitioner is allowed and the order dated 19.04.2023 granting interim bail to him, is hereby made absolute, subject to compliance of conditions as specified under Section 438(2) Cr.P.C.
5. However, it is made clear that if the petitioner fails to join and cooperate with the investigating agency as and when required, the State would be at liberty to move an application for cancellation of the present anticipatory bail granted to him.

(AMAN CHAUDHARY)
JUDGE

31.05.2023

S.Sharma(syr)

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No