

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

CRM-M-17519-2023 (O&M)

Date of decision: 19.12.2023

SHAMPY SINGH

....Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present: - Mr. Robindeep Singh Bhullar, Advocate for
Mr. P.S. Sekhon, Advocate for the petitioner.

Mr. Subhash Godara, Addl. A.G., Punjab.

SANJIV BERRY, J. (ORAL)

CRM-50963-2023

The instant application under Section 482 Cr.P.C. has been filed by the applicant-petitioner for placing on record Annexure A-1 and further exempting the applicant-petitioner from filing the certified/typed copies.

2. Heard.

3. Keeping in view the averments made by learned counsel for the applicant-petitioner, the same is allowed subject to all just exceptions and Annexure A-1 is taken on record.

4. Registry to do the needful.

5. CRM stands disposed of.

MAIN CASE

By way of present petition filed under Section 438 of Code of Criminal Procedure, 1973, petitioner seeks anticipatory bail in case FIR

(Annexure P-1) as under:

FIR No.	Dated	Sections	Police Station
41	09.03.2023	22 and 29 of NDPS Act, 1985.	Samana, District Patiala.

2. It is submitted by learned counsel for the petitioner that in compliance with the order dated 13.04.2023, the petitioner has already joined investigation.
3. Learned State counsel, on instructions from ASI Paramjit Singh, has intimated that the petitioner has joined investigation and is not required for further investigation in the matter.
4. During the course of hearing on 13.04.2023, following order was passed:

“This petition has been filed by the petitioner under Section 438 Cr.P.C. seeking anticipatory bail in case FIR No.41 dated 09.03.2023 under Sections 22 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Samana, District Patiala.

2. According to the prosecution, on 09.03.2023 a police party was on patrolling duty and at about 2.10 p.m. the police party laid barricades in relation to checking. In the meanwhile, one car bearing registration No.PB-11CG-2444 make Swift was seen coming from the side of village Tarkhan Majra. When the ASI gave signal to stop the said vehicle, one person ran away from the car. ASI Raghbir Singh and PHG Major Singh chased the said person but he succeeded in fleeing away. The driver of the car disclosed his name as Jagraj Singh @ Joga and he identified the person who ran away from the spot as present petitioner. From the search of the said car, one polythene placed near the gear of the car

was found and from the said polythene 300 grams of intoxicant powder was recovered.

3. *Learned counsel for the petitioner inter alia contends that the petitioner is innocent and has been falsely implicated in the present case due to political rivalry. He further submits that neither the petitioner was present at the spot nor any recovery has been effected from him. He further submits that petitioner has been nominated as an accused on the basis of disclosure statement of co-accused Jagraj Singh @ Joga, which has no evidentiary value in the eyes of law. He further submits that the prosecution story is unbelievable that the petitioner fled away from the spot while nine police officials were present. He further submits that petitioner was earlier implicated in false case bearing FIR No.52 dated 18.04.2020 under Section 21 and 27 of the NDPS Act, registered at Police Station STF Phase IV, Mohali, in which he is on bail. He further submits that petitioner is ready and willing to join the investigation.*

4. *Notice of motion.*

5. *Mr. Adhiraj Singh, AAG, Punjab, accepts notice on behalf of respondent-State and seeks time to file reply/status report.*

6. *Adjourned to 11.08.2023.*

7. *In the meantime, petitioner shall join investigation before the Investigating Agency/Officer. In the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting Officer/Investigating Officer. He shall abide by the following conditions as envisaged under Section 438(2) Cr.P.C:-*

1) *That the petitioner shall make himself available for interrogation by a police officer as and when required to do so.*

- 2) *That the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.*
- 3) *That the petitioner shall not leave India without prior permission of the court.*

Let needful be done before the next date of hearing with advance copy to learned counsel for the petitioner.”

- 5. Keeping in view the above submissions made by learned State counsel and the fact that the petitioner had joined the investigation consequent to the order dated 13.04.2023 passed by this Court, interim bail granted vide order dated 13.04.2023 is, hereby, confirmed, subject to conditions as envisaged under Section 438(2) Cr.P.C. Further, the petitioner is directed to join investigation as and when required in future by way of written notice for such purpose to be served by Investigating Officer of this case upon the petitioner; he will not tamper with the evidence nor will influence the witnesses and will not leave the country without prior permission of the Court.
- 6. The petition stands allowed.
- 7. It is made clear that anything contained hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(SANJIV BERRY)
JUDGE

19.12.2023
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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |