

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

202 CRM-M-19757-2023 (O&M)
Date of decision: 17.11.2023

Sukhwinder Singh @ Sukh ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS SURI

Present: Mr. Rohit Joshi, Advocate for
Mr. Sunny Saggar, Advocate for the petitioner.

Mr. Hakam Singh, AAG, Punjab.

FIR No.	Dated	Section/s	Police Station
31	21.02.2023	22(b) of NDPS Act	Sarhali, District Tarn Taran

VIKAS SURI, J. (Oral)

1. The petitioner has filed the present petition under Section 438 Cr.P.C. for grant of anticipatory bail in the above-captioned case.
2. Upon notice, after hearing learned counsel for the State, the petitioner was granted interim anticipatory bail, vide order dated 21.04.2023, which reads as thus:-

“Prayer is for grant of anticipatory bail in case having FIR No.31 dated 21.2.2023 registered under Sections 22(b) NPDS Act at Police Station Sarhali, District Tarn Taran.

The counsel for the petitioner *inter alia* contends that the petitioner has been falsely named in the FIR and the story put forth by the police in the FIR is highly improbable as the police party headed by SI Kewal Singh is comprised of another 8 police officials and in the given circumstances it being a day time it is highly improbable that some wanted person succeeded in escaping from the spot in the presence of so many police officials. The counsel for the petitioner submits that Gram Panchayat of the concerned village has already given certificate Annexure P-4 in favour of the petitioner. The counsel for the petitioner further submits that the time regarding receipt of information recorded in

the FIR also improbablizes the prosecution story. The counsel for the petitioner further submits that the petitioner is ready to join investigation with the police.

Notice of motion.

On the asking of the Court, Mr. Chaman Lal Pawar, Addl. A.G. accepts notice on behalf of State of Punjab and on instructions from ASI Jaswinder Singh submit that the petitioner is a habitual offender and is involved in 5 cases under NPDS Act out of which in one case he already stands convicted and regarding other 4 cases, he prays for time to seek necessary instruction as to whether the petitioner is on bail or not.

The counsel for the petitioner apprised the Court that in all other 4 cases being faced by the petitioner under NDPS Act, he has been released on bail.

In the meanwhile, in case of arrest, the petitioner is directed to be released on interim bail by the Investigating Officer/Arresting Officer subject to his own satisfaction. The petitioner should join investigation with the police well in time before the

next date of hearing and to abide by the conditions envisaged under Section 438 (2) Cr.P.C.

The report of the Investigating Officer be also called in this context on the next date of hearing.

Now be listed on **14.7.2023.**”

3. Learned State counsel submits that pursuant to the aforesaid order and the order dated 09.08.2023, status report by way of affidavit dated 09.10.2023 has been filed in the Registry. The same is taken on record.

4. Heard learned counsel for the parties.

5. A perusal of the status report shows that petitioner is involved in 04 other cases under the NDPS Act. It is not disputed that petitioner has been granted the concession of bail in the said cases. The bail is opposed in view of the averments contained in para 9 of the status report that if the petitioner is released on bail it would create law and order problem; and there is every likelihood that he will indulge in same crime in future. It is on the aforesaid ground, the petitioner is sought to be kept in custody for an indefinite period, as an under trial.

6. It is not disputed that no recovery has been effected from the petitioner and the petitioner has joined the investigation. It is also the stand of the respondent-State that after receipt of FSL report, the final report under Section 173(2) Cr.P.C. has already been presented against the petitioner. No material has been placed on record to substantiate general allegations that after release on bail, the petitioner can create problem of law and order and that he can leave the country without permission of the Court.

7. Resultantly, without commenting upon the merits of the

case, the order dated 21.04.2023 granting interim anticipatory bail to the petitioner is made absolute, subject to the conditions specified in Section 438(2) Cr.P.C.

8. Disposed of.

November 17, 2023
sumit.k

(VIKAS SURI)
JUDGE

Whether speaking/reasoned :	Yes / No
Whether Reportable :	Yes / No