

(218)

2023:PHHC:108223

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-22438 of 2023

Date of Decision: August 21, 2023

Lakhwinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Ms. Gurmit Kaur, Advocate for
Mr. L.S. Sekhon, Advocate for the petitioner.

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

DEEPAK GUPTA, J.(Oral)

On 12.06.2023, the following order was passed by this
Court:-

“Prayer in this petition is for grant of anticipatory bail under Section 438 Cr.P.C in case FIR No.43 dated 01.04.2023 registered under Sections 15 & 29 of NDPS Act, 1985 registered at Police Station Sadar Sangrur, District Sangrur.

2. *Reply by way of an affidavit of Shri Ajay Pal Singh, PPS, Deputy Superintendent of Police, (R), Sangrur, District Sangrur is already on the file.*

3. *As per the prosecution allegations, two plastic bags containing 30 kilogram each of poppy husk kept in car, were recovered from co-accused Malwinder Singh on 01.04.2023. As per reply filed by respondent, during interrogation, said Malwinder Singh suffered disclosure statement as per which the contraband was supplied to him by one Preet and the same was to be delivered to petitioner Lakhwinder Singh. It*

is on the basis of that statement that petitioner has been nominated under Section 29 of NDPS Act, 1985.

4. Learned State counsel has also pointed out towards the criminal antecedents of the petitioner inasmuch as he was involved in 5 more cases. However, it is revealed that initial FIR was registered against the petitioner on 02.05.2001 and the last FIR was registered in May, 2016. All those cases have already been disposed of.

5. Adjourned to 21.08.2023.

6. Having regard to the fact that no recovery has been effected from the petitioner and he has been nominated only on the basis of the disclosure statement of co-accused, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting Officer/Investigating Officer. However, it is directed that the petitioner shall join the investigation as and when so required by the Investigating Officer. He shall not contact any person associated with the case to dissuade him from the investigation in any manner whatsoever and nor shall leave the country without prior permission of the Court. He shall further comply with the conditions stipulated in Section 438(2) Cr.P.C.”

It is informed by learned State Counsel, on instructions from ASI Pushpinder Singh, that in compliance of the order dated 12.06.2023, petitioner has since joined the investigation and he is no longer required for any investigation.

In view of the afore-said statement, order dated 12.06.2023 whereby interim anticipatory bail was granted to the petitioner in the FIR in question, is hereby made absolute. However, the petitioner shall continue to join the investigation as and when required by the Investigating Officer and make compliance of the conditions envisaged

under Section 438(2) Cr.P.C.

Disposed of.

August 21, 2023

(DEEPAK GUPTA)

renu

JUDGE

Whether reasoned/speaking:

Whether reportable:

Yes/No

Yes/No