

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****CRM-M-23145-2023****Date of decision :28.08.2023****DAVINDER SINGH @ DALWINDER SINGH****... Petitioner(s)****Versus****STATE OF PUNJAB****...Respondent(s)****CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI****Present:** Mr. Akhilesh Vyas, Advocate
for the petitioner(s).

Mr. Kirat Singh Sidhu, DAG, Punjab.

JASJIT SINGH BEDI, J. (ORAL)

The prayer in the present petition under Section 438 Cr.P.C. is for the grant of anticipatory bail in case bearing FIR No.0259 dated 25.10.2022 registered under Sections 21, 23 of the NDPS Act, Sections 10, 11, 12 of Aircraft Act (Sections 25, 27-A, 61 of NDPS Act were added later on) at Police Station, Chheharta, District Police Commissionerate, Amritsar.

On 08.05.2023, the following order was passed:-

The present petition has been filed under Section 438 Cr.P.C praying for grant of anticipatory bail to the petitioner in case FIR No.0259 dated 25.10.2022 registered under sections 21, 23 of NDPS Act, sections 10, 11, 12 of Aircraft Act (Sections 25, 27-A, 61 of NDPS Act were added later on) at Police Station, Chheharta, District Police Commissionerate, Amritsar.

Learned counsel for the petitioner vehemently contends that petitioner has been falsely implicated in this case. He submits that petitioner was neither named in the FIR nor any recovery was effected from him. It is submitted that petitioner has been roped in in the present case on the basis of the disclosure statement of

the co-accused from whom 5 grams of heroin was recovered. He submits that the disclosure statement of the coaccused is not an admissible evidence.

Notice of motion.

On the asking of the Court, Mr. Sandeep Kumar, DAG, Punjab accepts notice on behalf of the respondent-State.

List on 28.8.2023.

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

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

(ii) 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.

(iii) That the petitioner shall not leave India without prior permission of the court.

The learned counsel for the petitioner contends that the petitioner has been unable to join investigation on account of two other cases under the NDPS Act pending against him. He states that he is ready and willing to join proceedings once again.

On the other hand, the learned State counsel states that there are similar cases pending against the petitioner, it could not be said that the petitioner had been falsely implicated and therefore, he was not entitled to the concession of anticipatory bail. In fact, the custodial interrogation of the petitioner was necessary to take the investigation to its logical conclusion.

I have heard the learned counsel for the parties.

Admittedly, apparently, the petitioner is a habitual offender with two other cases registered against him bearing FIR No.36 dated 23.04.2022 under Sections 21A, 29, 61, 85 of the NDPS Act Police Station Sarai Amanat Khan, Tarn Taran and FIR No.60 dated 23.07.2023 under Section 21A, 61, 85 of the NDPS Act Police Station Sarai Amanat Khan, Tarn Taran.

Keeping in view the aforementioned facts, I find no merit in the present petition. Therefore, the same stands dismissed.

(JASJIT SINGH BEDI)
JUDGE

28.08.2023
JITESH

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No