

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

213

CRM-M-24463-2023

Date of decision: 07.08.2023

Baldev Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Amandeep Singh Manaise, Advocate
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of anticipatory bail under Section 438 of the Cr.P.C. in case FIR No.50 dated 11.04.2023 under Section 18 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') (Section 29 of the NDPS Act added lateron) registered at Police Station Shambu, District Patiala.

2. On the last date of hearing i.e. 15.05.2023, while noticing the following submissions made by the learned counsel for the petitioner, this Court had granted the concession of interim bail to the petitioner and asked him to join investigation:-

“Learned counsel for the petitioner submits that it is a case of chance recovery wherein 02 kgs of opium (non-commercial quantity) was effected from co-accused Sarabjit Singh. Thereafter, during interrogation said Sarabjit Singh suffered a disclosure statement nominating the petitioner as an accused and also the person through whom he had procured the recovered contraband. Learned counsel submits that the petitioner's false implication in the case in hand finds credence from the fact that he has

clean antecedents and is not involved in any other criminal case much less under the NDPS Act. He further submits that the petitioner is ready to join investigation and cooperate with the investigating agency.”

3. Learned counsel for the petitioner submits that in compliance of order dated 15.05.2023, the petitioner has joined investigation and cooperated with the investigating agency.

4. Learned State counsel, on instructions from HC Karamjeet Singh, does not dispute the factum of the petitioner having joined investigation and cooperated with the investigating agency. It has not been disputed by the learned State counsel that the petitioner is not involved in any other case under the NDPS Act. He, on further instructions, submits that the petitioner is not required for further investigation much less for his custodial interrogation.

5. In view of the above, the petition is allowed and interim order dated 15.05.2023, is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C. Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

07.08.2023

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(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No