

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

209

CRM-M-25270-2023

Date of decision: 28.08.2023

Gurmej Singh and another

.....Petitioners

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Gagandeep Singh Gill Advocate for
Mr. P.S. Sekhon, Advocate
for the petitioners.

Mr. I.P.S. Sabharwal, 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.33 dated 27.03.2023 under Sections 15(c) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') registered at Police Station Khuian Sarwar, District Fazilka.

2. On 01.06.2023, while noticing the following submissions made by the learned counsel for the petitioners, this Court had granted the concession of interim bail to the petitioners and asked them to join investigation:-

“Learned counsel for the petitioners submits that the petitioners have clean antecedents as they are not involved in any other criminal case much less a case under the NDPS Act which lends credence to their false implication in the case in hand. It has been further submitted that the petitioners have been nominated as accused in the FIR in question on the basis of a disclosure statement allegedly suffered by co-accused Gurcharan Singh who was apprehended at the spot during a police naka and recovery of 100 kgs of poppy husk effected from

him. Learned counsel further submits that the disclosure statement allegedly suffered by co-accused Gurcharan Singh does not have much evidentiary value. It has also been submitted that in the said disclosure statement it had been stated that the petitioners had been piloting main accused Gurcharan Singh and Bhupinder Singh who fled away from the spot.”

3. Learned counsel for the petitioners submits that in compliance of order dated 01.06.2023, the petitioners have joined investigation and cooperated with the investigating agency.

4. Learned State counsel, on instructions, does not dispute the factum of the petitioners having joined investigation and cooperated with the investigating agency. He, on further instructions, submits that the petitioners are not required for further investigation much less for their custodial interrogation.

5. In view of the above, the petition is allowed and interim order dated 01.06.2023, is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C. Needless to add, in case the petitioners misuse the concession of bail granted to them, the State would be at liberty to seek cancellation of the same.

28.08.2023

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(MANJARI NEHRU KAUL)
JUDGE

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