

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-27955-2023

Date of decision:-09.10.2023

Jagmohan Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM:HON'BLE MR. JUSTICE DEEPAK GUPTA.

Present:- Mr. Imaan Singh Khara, Advocate for the petitioner.

Mr. P.S. Pandher, AAG, Punjab.

DEEPAK GUPTA J. (ORAL).

1. Prayer in this petition is for grant of anticipatory bail under Section 438 Cr.P.C. in case FIR No.115 dated 31.08.2022, registered at Police Station Sujanpur, District Pathankot, registered under Section 15 of NDPS, Act, 1985.

2. On 28.07.2023 following order was passed by this Court:-

“Through this second petition, the petitioner seeks anticipatory bail in case bearing FIR No.115 dated 31.08.2022, registered at Police Station Sujanpur, District Pathankot, under Section 15 NDPS Act, 1985.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case; that the petitioner was not arrested at the spot; that the petitioner has been indicted on the disclosure statement of co-accused, namely, Jagga Singh, driver of the truck, who was arrested along with co-accused Sewa Singh; that recovery of 13 bags having 300 kg. poppy husk, had been effected from the co-accused, and that there is total non-compliance of Sections 42 and 50 NDPS Act and that the truck in question is not in the name of the petitioner. He further submits that as far as another case i.e. FIR No.46 dated 15.06.2021, under Sections 15, 25 and 29 of the NDPS Act, is concerned the petitioner was not named in the said FIR and was indicted later on and recovery of 15 kg poppy husk was effected from the co-accused.

On the other hand, learned State counsel submits that though the petitioner is not the owner of the truck in question, yet the fact remains that the said truck is in the name of petitioner's father and the petitioner is a signatory to the agreement to purchase.

List on 05.10.2023.

Meanwhile, the petitioner is directed to join the investigation and if he is sought to be arrested, he shall be released on interim bail to the satisfaction of Investigating Officer/Arresting Officer subject to the conditions as envisaged in Section 438 (2) of the Code of Criminal Procedure.

However, anticipatory bail, granted while exercising the judicial discretion, should not operate as an inroad into the statutory investigational power of the police .”

- 3. Counsel for the petitioner submits that pursuant to the interim direction granted vide order dated 28.07.2023, the petitioner had joined the investigation.
- 4. Learned State counsel on instructions from ASI Jagjit Singh, has not disputed the fact regarding petitioner's joining the investigation.
- 5. In view of the above, the interim order dated 28.07.2023 is made absolute.
- 6. Disposed of.

(DEEPAK GUPTA)
JUDGE

09.10.2023
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Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No