

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.28361 of 2023
Date of decision: 14th September, 2023

Davinder Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Prateek Sharma, Advocate for
Mr. M.S. Saini, Advocate for the petitioner.
Mr. Mohit Kapoor, Add. Advocate General, Punjab
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 438 Cr.P.C. in case FIR No.96 dated 03.05.2023 under Section 18 of the Narcotics Drugs and Psychotropic Substances Act, 1985 registered at Police Station Samrala, District Ludhiana, Punjab.

2. On the last date of hearing, i.e. 01.06.2023, while noticing the following submissions made by learned counsel for the petitioner, a Coordinate Bench of this Court had granted the concession of interim bail to the petitioner and asked him to join investigation.

“It has been contended by counsel for the petitioner that petitioner has been falsely implicated in this case on the basis of disclosure of the co-accused, namely, Amritpal Singh, from whom 2.6 kg opium was recovered. However, as per case of the prosecution, he made a disclosure

statement that one Kapil belonging to Jharkhand had supplied the opium to him and one kilogram to the present petitioner. He submits that disclosure made by co-accused is not admissible evidence. He further submits that petitioner has no criminal antecedents and even otherwise the allegations made are regarding one kg of opium, which would not attract the provisions of Section 37 of the NDPS Act. It is further submitted that in view of the aforementioned facts, no case for custodial interrogation is made out, however, he is ready to join the investigation and abide by all the terms and conditions of the anticipatory bail if this Court considers his request for granting the same.”

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

4. Learned State counsel has filed status report by way of affidavit of Jaspinder Singh PPS, DSP Samrala today in the Court, which is taken on record subject to all just exceptions. Learned State counsel, on instructions from ASI Baldev Singh, does not dispute the factum of the petitioner having joined investigation and cooperated with the investigating agency. He, on further instructions submits that the petitioner is not required for further investigation much less for his custodial interrogation.

5. On a pointed query put to the learned State counsel as to whether the petitioner was involved in any other criminal case, he, on instructions, has replied in the negative.

6. In the circumstances, the petition is allowed and the interim order dated 01.06.2023 is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C. Needless to say, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the bail granted to him.

(MANJARI NEHRU KAUL)
JUDGE

September 14, 2023
rps

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