

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.28946 of 2023
Date of decision: 14th November, 2023

Bakhshish Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Simranjot S. Nagra, Advocate for the petitioner.
Mr. Mohit Kapoor, Addl. 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.16 dated 18.01.2023 for the offences under Section 52-A of the Prison Act and Section 18 of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station City Gurdaspur, District Gurdaspur.

2. On 01.08.2023, this Court had granted the concession of interim bail to the petitioner and asked him to join investigation in view of the following submissions made by learned counsel for the petitioner on 02.06.2023:

“While drawing the attention of this Court to the allegations levelled in the FIR, which has been annexed as Annexure P-1, learned counsel submits that a perusal of the same clearly reveals that the petitioner has not been attributed any role in the crime in question. He further

submits that the petitioner came to be nominated as an accused on the basis of a disclosure statement suffered by co-accused Tejinder Singh (jail inmate), who stated that it was the petitioner who had supplied the contraband to the inmates through jail authorities. Learned counsel submits that the petitioner has clean antecedents as he is not involved in any other case, much less under NDPS Act, which clearly hints towards his false implication in the case in hand.”

3. Learned counsel for the petitioner submits that in compliance of the order dated 01.08.2023, the petitioner has joined investigation and cooperated with the investigating agency.

4. Learned State counsel, on instructions, 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. In the circumstances, the petition is allowed and the interim order dated 01.08.2023 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

November 14, 2023
rps

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