

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

214

CRM-M-30597-2023
Date of decision: 06.09.2023

Balvir Singh ..Petitioner

Versus

State of Punjab ..Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. Kunal Jain, Advocate for
Mr. Lakshay Bector, Advocate
for the petitioner.

Mr. Manipal Singh Atwal, DAG, Punjab.

AMAN CHAUDHARY, J.

1. On 24.07.2023, this Court had passed the following order:-

“The present petition has been filed under Section 438 Cr.P.C. for grant of pre-arrest bail to the petitioner in case FIR No.35 dated 04.05.2023, registered under Sections 18 and 25 of the NDPS Act at Police Station Hathur, District Ludhiana.

Learned counsel contends that the name of petitioner surfaced based on disclosure statement of Ajmer Singh, who had also named Amandeep Kaur, the wife of the petitioner, who has since been granted the concession of interim anticipatory bail by this Court vide order dated 05.06.2023, Annexure P-2. Noncommercial quantity of contraband was recovered from said co-accused Ajmer Singh, who has also been granted regular bail. He relies on the judgment passed by Hon’ble The Supreme Court in the case of **Toofan Singh Vs. State of Tamil Nadu**, 2021 (1) RCR (Criminal) 1. He alleges false implication. Though there is one more case under the NDPS Act involving non-commercial quantity of contraband against the petitioner, however, he is on bail. In this regard, he relies on **Vijay Singh vs. State of Haryana**, SLP (Crl.) 1266/2023 dated 17.05.2023, wherein recovery of 1.7 kg. of Poppy Straw (Doda Post) was effected, the accused who was involved on the basis of disclosure statement and one more case under the NDPS Act was registered against him, was granted anticipatory bail. The petitioner is ready and willing to join investigation as and when required by the investigating agency.

Notice of motion.

At the asking of the Court, Mr. Manipal Singh Atwal, DAG Punjab accepts notice on behalf of respondent-State.

Meanwhile, the petitioner is directed to join the investigation on or before 31.07.2023. In the event of his arrest, he shall be released on interim bail to the satisfaction of the Arresting Officer, subject to compliance of the conditions as enshrined under Section 438(2) Cr.P.C.

However, it is clarified that if the petitioner does not join and cooperate with the Investigating Agency as required by the Arresting/Investigating Officer, this interim order shall be deemed to have been vacated.

Adjourned to 06.09.2023.”

2. Learned counsel submits that in pursuance of the aforementioned order, the petitioner has not only joined investigation but also fully cooperated with the investigating agency. He further submits that in case the investigating agency requires the petitioner to appear, he shall make himself available without demur.
3. Learned State counsel on instructions from SI Surjit Singh affirms the factum of joining the investigation by the petitioner and cooperating with the investigating agency. He also submits that at this stage, the petitioner is not required for further custodial interrogation.
4. In view of the above and without expressing any opinion on the merits of the case, anticipatory bail petition filed by the petitioner is allowed and the order dated 24.07.2023 granting interim bail to him, is hereby made absolute, subject to compliance of conditions as specified under Section 438(2) Cr. P.C.
5. However, it is made clear that if the petitioner fails to join and cooperate with the investigating agency as and when required, the State would be at liberty to move an application for cancellation of the present anticipatory bail granted to him.

06.09.2023
ashok

(AMAN CHAUDHARY)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No