

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

Sr. No. 204 (2)

CRM-M No. 32623 of 2022

Date of decision : 11.04.2023

Gurjant Singh @ Janta

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL

Present : Mr. Amit Arora, Advocate for the petitioner.
Mr. A.P.S. Tung, DAG, Punjab.

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DEEPAK SIBAL, J. (Oral)

The present petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail in FIR No. 45 dated 18.05.2022 registered under Sections 21(B) and 29 of the NDPS Act at Police Station Sarai Amant Khan, District Tarn Taran.

On 28.07.2022, this Court had passed the following order : -

“The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered against him vide FIR No.45, dated 18.5.2022, Police Station Sarai Amant Khan, District Tarn Taran under Sections 21(b), 29 of NDPS Act.

Learned counsel for the petitioner submits that it is a case where the police during the course of patrolling apprehended one Shubhpreet Singh who was found in possession of a ‘non-commercial’ quantity of contraband i.e. 50 grams of ‘Heroin’ and that the petitioner has been nominated as an accused as being the supplier by the said

Shubhpreet Singh.

Learned counsel submits that the petitioner admittedly was never present at the spot nor any recovery was effected from him and that it will be debatable as to whether he can be held guilty mainly on the basis of a disclosure statement.

Notice of motion for 31.1.2023.

Meanwhile, in the event of arrest, the petitioner be released on interim bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and cooperate with the Arresting/Investigating Officer and shall abide by the conditions as provided under Section 438 (2) Cr.P.C. To be heard along with CRM-M-32021-2022.”

Learned State counsel submits that under the afore-quoted order passed by this Court, the petitioner has joined and cooperated with the investigation and that his custodial interrogation is not required by the State.

After considering the submissions made on behalf of the petitioner as have been recorded in the afore-quoted order, the fact that the petitioner has no other criminal antecedents and the statement made on behalf of the State, subject to the petitioner abiding by the conditions provided under Section 438 (2) Cr.P.C., the order of this Court dated 28.07.2022 granting ad interim anticipatory bail to the petitioner is ordered to be made absolute.

11.04.2023

sunil yadav

**(DEEPAK SIBAL)
JUDGE**

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