

203 **IN THE HIGH COURT OF PUNJAB AND HARYANA**
 AT CHANDIGARH

CRM-M-31458-2023

Date of Decision: 07.07.2023

Charanpal Singh

...Petitioner

vs.

State of Punjab

...Respondent

Coram : **Hon'ble Mr. Justice N.S.Shekhawat**

Present : Mr. Gopal Singh Nahel, Advocate
 for the petitioner.

Mr. M.S.Bajwa, DAG, Punjab.

N.S.Shekhawat J. (Oral)

The petitioner has filed the instant petition under Section 438 of the Cr.P.C. with a prayer to grant a anticipatory bail in case FIR No.62 dated 07.06.2023 registered under Sections 15, 29/61/85 of NDPS Act, 1985, at Police Station Dirba, District Sangrur. (Annexure P-1).

As per the case of the prosecution, on 07.06.2023, a police party noticed one person carrying a plastic bag on his head and on seeing the police party, he got perplexed and threw his plastic bag and tried to run away. However, he was apprehended at the spot and on checking his plastic bag, 20 kg of poppy husk was recovered from him. On enquiry, he disclosed his name to be Sukhpal Singh @ Gora.

Learned counsel for the petitioner contends that the name of the petitioner was not mentioned in the present FIR and he was named by co-accused Sukhpal Singh @ Gora, during his interrogation by the police and the

petitioner was booked under Section 29 of the NDPS Act. He further contends that he is not required for the custodial interrogation as the alleged recovery has already been effected from the co-accused.

Learned State counsel has opposed the grant of concession of anticipatory bail to the petitioner in the present case on the ground that four more FIRs i.e. FIR No. 50 of 12.05.2022, under Section 15 NDPS Act, PS Sadar Sangrur, FIR No. 53 of 03.03.2020, under Section 15/29 NDPS Act PS Bhwanigarh, FIR No.41 of 23.02.2019, under Section 15 NDPS Act PS Sadar Dhuri and FIR No.54 of 28.05.2014, under Section 15 of NDPS Act PS Sadar Sunam have already been registered against the present petitioner. Consequently, the custodial interrogation of the petitioner would be required. However, he does not dispute the fact that the petitioner is on bail in all other four cases.

I have heard learned counsel for the parties and perused the record carefully.

It is not in dispute that the petitioner was not apprehended at the spot and has been named by the co-accused in his disclosure statement. Even the veracity of the statement made by co-accused is yet to be adjudicated during the course of trial by the learned trial Court. Even it seems that the custodial interrogation of the petitioner is not required at this stage.

Without commenting on the merits of the case, the present petition is allowed. The petitioner is granted concession of anticipatory bail, subject to the conditions as provided under Section 438(2) of the Cr.P.C.

It will be open for the Investigating Officer to call the petitioner to join investigation, if so required, by issuing a written notice in this regard.

Still further, it is ordered that the petitioner shall report at Police Station Dirba, District Sangrur on first Monday of every month and shall also make a statement that he is not further involved in any other criminal activity and his presence shall be recorded in the roznamcha of the police station. The SHO, Police Station Dirba, District Sangrur is directed to comply with this order strictly. In case, the petitioner involves in any other criminal activity, it shall be viewed seriously and the prosecution will be at liberty to move the court of law for cancellation of bail granted to him.

The present petition is disposed off.

07.07.2023
hemlata

(N.S.SHEKHAWAT)
JUDGE

Whether speaking/reasoned :
Whether reportable

Yes/No
Yes/No