

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

264

CRM-M-34733-2023
Date of decision: 25.09.2023

Sunny

..Petitioner

Versus

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. Jitender Singh Dadwal, Advocate, for the petitioner.

Mr. Manipal Singh Atwal, DAG, Punjab.

AMAN CHAUDHARY, J.

1. On 10.08.2023, 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.56 dated 17.06.2023, registered under Sections 21 & 61 of NDPS Act, 1985, at Police Station Division No.3, District Ludhiana.

Learned counsel contends that the name of the petitioner has surfaced based on disclosure statements of co-accused-Sushila, from whom noncommercial quantity of contraband, it being 98 grams of heroin, has been effected and is in custody. He also relies on the judgment passed by Hon’ble The Supreme Court in the case of Tofan Singh vs. State of Tamil Nadu, 2021 (1) RCR (Crl.) 1 and there is no call record also establishing any connection of the petitioner with the co-accused or any other evidence that may connect him. There is one more case registered against the petitioner, however, the same relates to recovery of non-commercial quantity of contraband and he is on bail in that case. Reliance is placed on the judgment passed by Hon’ble Supreme Court in Vijay Singh vs. State of Haryana, SLP (Crl.) 1266 /2023, dated 17.05.2023, wherein the petitioner, who was involved on the basis of disclosure statement, the recovery being 1.7 kg. of Poppy Straw (Doda Post) and had one more case against him under the NDPS Act, was granted anticipatory bail, which was dismissed by a coordinate of this Court and on Khushkaran Singh @ Vicky vs. State of Punjab, CRM-M-11079-2023 dated

02.03.2023 wherein by relying on the order passed by Hon'ble The Supreme Court in Vijay Singh (supra), interim bail was granted. The petitioner is ready and willing to join the 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 17.08.2023. In the event of his arrest, he shall be released on interim bail to the satisfaction of the Arresting Officer, subject to compliance 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 25.09.2023.”

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 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 any 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 10.08.2023 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.

25.09.2023
Ankur

(AMAN CHAUDHARY)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No