

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-36965-2022 (O&M)

Date of decision : 20.3.2023

Sukhwinder Singh

... Petitioner

VERSUS

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Rishav Jain, Advocate,
for the petitioner.

Mr. C.L.Pawar, Addl. AG, Punjab.

KARAMJIT SINGH, J. (Oral)

Prayer is for grant of anticipatory bail to the petitioner in criminal case having FIR No.056 dated 16.7.2022 registered under Sections 22, 29 of NDPS Act at Police Station Cheema, District Sangrur.

Counsel for the petitioner *inter alia* contends that the alleged recovery effected in the present case comes under non-commercial quantity and the petitioner was named as accused only on the basis of the alleged disclosure made by co-accused Amritpal Singh. He further submits that evidentiary value of the disclosure statement will be tested during the trial and the petitioner has already joined the investigation with the police.

State counsel on instructions from Inspector Sarabjit Singh apprised the Court that recovery effected from co-accused Amritpal Singh comes under non-commercial quantity as per report of FSL and the petitioner was named as accused on the basis of the disclosure made by

Amritpal Singh and further, the petitioner has joined the investigation and

now the police has presented the challan against the petitioner on completion of investigation and the petitioner is not required by the police for further investigation or custodial interrogation.

As has been submitted by the State counsel, the present case being covered under non-commercial quantity, embargo provided under Section 37 of NDPS Act will not be attracted to the case in hand. Further, the petitioner, who has joined the investigation, is not required by the police for any further investigation.

In view of the above, without commenting on the merits of the case, the present petition is allowed and order of interim bail dated 22.8.2022 is hereby made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.

March 20, 2023
Paritosh Kumar

(KARAMJIT SINGH)
JUDGE

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