

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

213

CRM-M-35508-2023

Date of decision: 07.11.2023

Lal Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Chahit Bansal, Advocate
for the petitioner.

Mr. Digvijay Nagpal, AAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of anticipatory bail under Section 438 of the Cr.P.C. in case FIR No.0081 dated 14.06.2023 under Section 15 of the NDPS Act, registered at Police Station Kotwali Nabha, District Patiala.

2. On the last date of hearing i.e. 25.07.2023, while noticing the following submissions made by the learned counsel for the petitioner, this Court had granted the concession of interim bail to the petitioner and asked him to join investigation:-

“Learned counsel for the petitioner inter alia contends that it was a case of chance recovery wherein 1 kg 385 grams (non-commercial quantity) of poppy pods was effected from a polythene bag, which was being carried by coaccused Sarabjit Kaur. Learned counsel further submits that the petitioner came to be nominated as an accused in the disclosure statement allegedly suffered by co-accused Sarabjit Kaur. It has also been submitted that the evidentiary value of such disclosure statement is of a weak nature and the innocence of the petitioner is further evident from the fact that he has clean antecedents as he is not involved in any other criminal case much less under the NDPS Act.”

3. Learned counsel for the petitioner submits that in compliance of order dated 25.07.2023, the petitioner has joined investigation and cooperated with the investigating agency.

4. Learned State counsel, on instructions from ASI Ripan Kumar Singh, does not dispute the factum of the petitioner having joined investigation and cooperated with the investigating agency. He, on further instructions, submits that the petitioner is not required for further investigation much less for his custodial interrogation.

5. In view of the above, the petition is allowed and interim order dated 25.07.2023, is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C. Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

07.11.2023

(MANJARI NEHRU KAUL)

Vinay

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No