

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

277

CRM-M-37197-2023

Date of decision: 14.09.2023

Sarwan Singh @ Mota

..Petitioner

Versus

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. Gagandeep Singh Bajwa, Advocate for the petitioner.

Mr. Manipal Singh Atwal, DAG, Punjab.

AMAN CHAUDHARY, J.

1. On 01.08.2023, 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.30 dated 17.05.2023, registered under Section 22 of the NDPS Act at Police Station Tarsikka, District Amritsar Rural.

Learned counsel contends that the name of the petitioner surfaced based on disclosure statement of co-accused Sarabjit Singh @ Saba and Gurdev Singh from whom non-commercial quantity of contraband was recovered. Reliance is placed on the judgment passed by Hon'ble The Supreme Court in **Tofan Singh vs. State of Tamil Nadu**, 2021 (1) RCR (Criminal) 1. He alleges false implication in the case. Though he is involved in one more case involving non-commercial quantity of contraband, however, he is on bail. Further reliance is placed on the judgment of 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 involvement in one more case under the NDPS Act, was granted anticipatory bail, which was dismissed by a coordinate of this Court.. The petitioner is ready and willing to join 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 08.08.2023. In the event of his arrest, he shall be released on interim bail to the satisfaction of the Arresting Officer, subject to compliance of the conditions as 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 14.09.2023.”

2. Learned counsel submits that in pursuance of the afore-mentioned 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 from ASI Sarabjit Singh 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 01.08.2023 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.

(AMAN CHAUDHARY)
JUDGE

14.09.2023
ashok

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No