

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

207

CRM-M-40257-2022

Date of decision: 21.03.2023

Navdeep Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Gaurav, Advocate for
Mr. P.S. Sekhon, Advocate for the petitioner.

Mr. Ramdeep Partap Singh, Sr. DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

Petitioner in the instant petition filed under Section 438 Cr.P.C. is seeking concession of anticipatory bail in case bearing FIR No.69 dated 08.07.2022 under Sections 22 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Sandaur, District Malerkotla.

Vide order dated 10.01.2023, the petitioner was granted interim anticipatory bail with directions to join investigation and the relevant part of the said order reads as under:-

“Learned counsel representing the petitioner, while inviting the attention of this Court to the FIR which has been annexed as Annexure P-1, submits that neither was he named in the secret information which was received by the police nor recovery of any contraband effected from him. He submits that it was pursuant to a disclosure statement made by Prabhjot Kaur, mother of the petitioner, from whom the alleged recovery of non-commercial quantity i.e. 72 grams of Tramadol and 42

grams of Diphenoxylate Hydrochloride was effected, he was nominated as an accused. Learned counsel further submits that the petitioner's false implication in the FIR in question finds support from the fact that he was nominated as an accused in another case and that too, in similar circumstances pursuant to an alleged disclosure statement made by co-accused Prabhjot Kaur, a day prior to the registration of the FIR in question.

Learned counsel appearing for the State has not disputed the factual aspect of the submissions made by the counsel opposite with respect to the petitioner having been nominated as an accused pursuant to the disclosure statement made by co-accused Prabhjot Kaur and no recovery of any contraband having been effected from the petitioner. It has been conceded by the learned State counsel on instructions that the recovery of contraband effected from the co-accused falls under the noncommercial quantity."

Learned counsel appearing for the petitioner submits that in compliance of order dated 10.01.2023, the petitioner has joined investigation and cooperated with the investigating agency.

Learned State counsel, on instructions, 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.

In view of the above, the petition is allowed and interim order dated 10.01.2023, is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C. Needless to say, in case the petitioner

misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the bail granted to him.

21.03.2023
Vinay

(MANJARI NEHRU KAUL)
JUDGE

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