

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

214

2023:PHHC:145499

CRM-M-39183-2023

Date of decision: November 16th, 2023

Gurcharan Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Gaurav Rana, Advocate
for Mr. Raj Kumar Gupta, Advocate
for the petitioner.

Mr. Mohit Kapoor, Additional Advocate General, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

Petitioner is seeking the concession of anticipatory bail under Section 438 of the Cr.P.C. in case FIR No.96 dated 03.05.2023 under Sections 18 and 29 of the NDPS Act, 1985 registered at Police Station Samrala, District Ludhiana.

2. Vide order dated 10.08.2023, the petitioner had been granted interim anticipatory bail with direction to join investigation and the relevant part of the said order reads as under:-

“Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case in hand merely on the basis of a disclosure statement by co-accused Amritpal Singh from whom recovery of 2.6 kgs of opium was effected. Learned counsel submits that in the alleged disclosure statement, the co-accused had alleged that he had procured opium from one Kapil, who in turn had supplied the opium to the petitioner as

well. Learned counsel submits that the evidentiary value of such disclosure statement is admittedly of a weak nature. It has further submitted that there are no criminal cases pending against the petitioner much less under the NDPS Act.”

3. Learned counsel for the petitioner submits that in compliance of order dated 10.08.2023, the petitioner has joined investigation and cooperated with the investigating agency.

4. Learned State counsel does not dispute the factum of the petitioner having joined investigation and cooperated with the investigating agency. It has also not been disputed that the petitioner has clean antecedents and is not involved in any other case much less under the NDPS Act. He 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 10.08.2023 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.

November 16th, 2023

Puneet

**(MANJARI NEHRU KAUL)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : No