

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.41953 of 2022

Date of decision: 10th April, 2023

Surjit Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Gourav Goel, Advocate for the petitioner.

Mr. Ramdeep Pratap Singh, Sr. DAG, Punjab
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

The instant petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case bearing FIR No.153 dated 30.08.2022 under Sections 15/61/85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Amloh, District Fatehgarh Sahib.

Vide order dated 14.09.2022, the petitioner had been granted concession of interim bail in the following terms:-

“The FIR was lodged on the basis of a secret information received by the police to the effect that a truck bearing registration No.PB-23-S-0313 is parked near Jali Wala Dhaba, Village Salani and that the driver of the same indulges in sale of poppy-husk. It is further the case of the prosecution that the police was able to take into possession the said truck from which 12 Kgs. of poppy-husk was

recovered and accordingly FIR was registered against an unknown person.

Learned counsel for the petitioner submits that he was never ever found near the spot and has been falsely implicated. It has further been submitted that the reason for his false implication is that he had a small altercation with the police officials at the said Dhaba.”

Learned counsel for the petitioner submits that in compliance of the order dated 14.09.2022, 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 the circumstances, the petition is allowed and the interim order dated 14.09.2022 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.

(MANJARI NEHRU KAUL)
JUDGE

April 10, 2023

rps

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No