

CRM-M-46370-2023

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-46370-2023 (O & M)

Date of decision: 13.10.2023.

Sukhchain Singh

..... Petitioner

V/s

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Mandeep Kumar Dhot, Advocate,
for the petitioner.

Ms. Ramta K Chaudhary, DAG, Punjab.

JASJIT SINGH BEDI, J. (Oral)

The petitioner seeks the grant of anticipatory bail under Section 438 Cr.P.C. in case bearing FIR No.86 dated 17.07.2020 under Sections 22 and 29 (added later on) of the NDPS Act registered at Police Station Dirba, District Sangrur.

On 15.09.2023, the following order was passed:-

“The present petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail to the petitioner in case registered against him vide FIR No.86 dated 17.07.2023 under Sections 22 and 29 (added later on) of the NDPS Act at Police Station Dirba, District Sangrur.

The learned counsel for the petitioner inter alia contends that the petitioner has been named in the disclosure statement of his co-accused. Other than that there is no corroborative additional evidence available against him.

Reliance is placed on the order in ‘Vijay Singh versus The State of Haryana, bearing Special Leave to Appeal (Crl.) No(s).1266/2023 decided on 17.05.2023’, which is reproduced as under:-

“The petitioner is alleged to have committed offences under Sections 15 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter called the NDPS Act". His application for anticipatory bail was rejected by the High Court. The allegations in the FIR are that 1.7 Kg of Poppy Straw (Doda Post) was recovered from the co-accused. The petitioner concededly was not present at the spot but was named by the co-accused. That apart there is no other material to implicate the petitioner. The prosecution urges that another case with allegations of commission of offence under the NDPS Act are pending against the petitioner. It is not denied that in those proceedings he was granted bail.

Having regard to these circumstances, the petitioner is directed to the enlarged on anticipatory bail, subject to such terms and conditions as the trial Court may impose.

The petition is allowed.

All pending applications are disposed of.”

Notice of motion for 04.10.2023.

Mr. Kirat Singh Sidhu, DAG, Punjab, present in the Court, accepts notice on behalf of the State.

In the meantime, the petitioner is directed to appear before the SHO/Investigating Officer to join investigation and in the event of his arrest, he shall be released on bail on his

furnishing bail bonds to the satisfaction of SHO/Investigating Agency, subject to the following conditions as envisaged under Section 438(2) Cr.P.C.:-

- (i) that the petitioner shall make himself available for interrogation before the investigating officer as and when required;*
- (ii) that the petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case as to dissuade him/her from disclosing such facts to the Court or to any police officer;*
- (iii) that the petitioner shall not leave the country without prior permission of the Court and shall surrender his passport, if any.*

Meanwhile, the State is directed to file an affidavit/reply as to the exact role of the petitioner and his co-accused alongwith the details of pending FIRs, if any, on or before the next date of hearing ”.

On 04.10.2023, the following order was passed:-

“The learned counsel for the State contends that though the petitioner has joined investigation but he is not disclosing the source of the drugs.

In view of the above, the petitioner is directed to join investigation once again on 06.10.2023 and cooperate in the same.

Interim order to continue”.

Despite availing multiple opportunities to join the investigation, the petitioner has not joined the same. Therefore, the present petition stands dismissed.

Interim order dated 15.09.2023 is hereby vacated.

October 13, 2023
sukhpreet

(JASJIT SINGH BEDI)
JUDGE

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