

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

205

CRM-M-53045-2021

Date of decision: 26.04.2023

Sandeep Bhatia

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Rajdeep Singh Gill Advocate
for the petitioner.

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

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of anticipatory bail under Section 438 of the Cr.P.C. in case FIR No.55 dated 15.05.2021 under Sections 22 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') registered at Police Station Longowal, District Sangrur.

2. Vide order dated 20.12.2021, 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 inter alia contends that allegations levelled against the petitioner are altogether false and frivolous and there is no iota of truth therein. He further urges that allegedly contraband (900 tablets of Tramadol Hydrochloride) and thereafter, another contraband (9,178 tablets of Etizap-Etizolam) were recovered from coaccused Mohan Lala @ Kala. He further urges that petitioner was not named in the FIR. He further urges that previously co-accused Mohan Lala @ Kala suffered disclosure statement disclosing the name of co-accused Ravi Kumar and later on, he (co-accused Mohan Lala @ Kala) suffered another disclosure statement disclosing the name of petitioner in the

commission of alleged offence and as such name of petitioner surfaced in the array of accused. He further urges that petitioner has no nexus whatsoever with the alleged contraband and as a matter of fact co-accused Mohan Lala @ Kala has been falsely implicated, as his (Mohan Lala @ Kala) brother namely Harvinder Singh is owner of M/s God Medical Store and the alleged recovery of contraband, as detailed above, was planted upon him (Mohan Lala @ Kala). He further submits that co-accused Mohan Lala @ Kala has already been extended concession of regular bail by this Court, vide order dated 13.08.2021, passed in CRM-M-30169-2021 (Annexure P/2) He further urges that even otherwise, alleged recovery of contraband was effected from conscious possession of co-accused Mohan Lala @ Kala, in this scenario, rigours of provisions of Section 37 of NDPS Act, cannot be attracted against the petitioner. He further submits that petitioner is ready to join investigation as and when called upon to do so by the Investigating Agency.”

3. Learned counsel for the petitioner submits that in compliance of order dated 20.12.2021, the petitioner has joined investigation and cooperated with the investigating agency.

4. Learned State counsel, on instructions, does not dispute the factum of the petitioner having joined investigation and cooperated with the investigating agency.

5. On a pointed query put to the learned State counsel as to whether the petitioner was involved in any other case under the NDPS Act, he has replied in the negative.

6. Learned State counsel, on further instructions, submits that the petitioner is not required for further investigation much less for his custodial interrogation.

7. In view of the above, the petition is allowed and interim order dated 20.12.2021, 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.

26.04.2023

(MANJARI NEHRU KAUL)
JUDGE

Vinay

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No