

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

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CRM-M-49648-2022

Date of decision: 29.05.2023

Gurdev Singh @ Jagdev Singh @ Debbu and another

....Petitioners

**Versus**

State of Punjab

...Respondent

**CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY**

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Present : Mr. Lakshay Bector, Advocate  
for the petitioners

Mr. Manipal Singh Atwal, DAG, Punjab

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**AMAN CHAUDHARY. J.**

1. On 25.10.2022, this Court had passed the following order:-

“The present petition has been filed under Section 438 Cr. P.C. for grant of pre-arrest bail to the petitioners in case FIR No.186 dated 23.09.2022, registered under Sections 21 and 22 of the NDPS Act at Police Station Dakha, District Ludhiana.

Learned counsel contends that though the petitioners, who are brother and sister have been named on the basis of the secret information, however, nothing incriminating has been recovered from them. He further submits that there is neither any direct nor any indirect evidence against the petitioners to even remotely connect them with the case. He further submits that the petitioners have been falsely implicated in the present case by the police in connivance with one Bachhitar Singh, to settle his score with the petitioners, as petitioner No.1 had lodged an FIR No.176 under Section 376 IPC against son of Bachhitar Singh, who has since expired in jail, in this regard reference is made to para 9 of the petition. He further submits that there is no mention in the FIR or in the order of the learned Judge Special Court, Ludhiana as to whether any recovery has been effected from them. While referring to para 6 of the petition learned counsel further submits that the alleged recovery even otherwise has been effected from open fields which are not in the ownership of the petitioners. It is the further submission of learned counsel that there is no other case in which the petitioners are involved. He states that police officials are harassing the family members of the petitioners by coming to their home during odd hours. He further submits that no

recovery is to be effected from the petitioners and they are ready and willing to join and co-operate with the investigation.

Notice of motion.

At the asking of the Court, Mr. Navneet Singh, Senior DAG, Punjab accepts notice on behalf of respondent-State.

Learned State counsel on instructions from Head Constable Guru Dutt affirms the factum of no other case being registered against the petitioners.

Adjourned to 15.12.2022.

Meanwhile, the petitioners are directed to join the investigation on or before 02.11.2022. In the event of arrest of the petitioners, they shall be released on interim bail to the satisfaction of the Arresting Officer, subject to compliance enshrined under Section 438(2) Cr.P.C.

However, it is clarified that if the petitioners do not join and cooperate with the Investigating Agency as required by the Arresting/Investigating Officer, this interim order shall be deemed to have been vacated.”

2. Learned State counsel has filed status report submitting that when the house of the petitioners was raided, neither anything was recovered nor were they found there. There is no other case against them and in pursuance of the above reproduced order, not only have they joined investigation, but also fully cooperated with the investigating agency. He further submits that in case the investigating agency requires the petitioners to appear, they shall make themselves available without demur.

3. Learned State counsel on instructions from SI Chander Mohan affirms the factum of joining the investigation by the petitioners and cooperating with the investigating agency. He also submits that at this stage, the petitioners are not required for further custodial interrogation.

4. In view of the above and without expressing any opinion on the merits of the case, anticipatory bail petition filed by the petitioners is allowed and the order dated 25.10.2022 granting interim bail to them, is hereby made absolute, subject to compliance of conditions as specified under Section 438(2) Cr.P.C.

5.           However, it is made clear that if the petitioners fail to join and cooperate with the investigation agency as and when required, the State would be at liberty to move an application for cancellation of the present anticipatory bail granted to them.

(AMAN CHAUDHARY)  
JUDGE

29.05.2023  
*Mehak*

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