

CRM-M-47692-2023 (O&M)

217 (2nd case)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-47692-2023 (O&M)

Date of decision: November 15, 2023

Gurcharan Singh @ Saabi

....Petitioner

versus

State of Punjab

....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL**Present:-** Mr. Ashok Giri, Advocate for the petitioner.

Ms. Kanica Sachdeva, AAG Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

The petitioner is seeking the concession of anticipatory bail under Section 438 of the Cr.P.C., in case FIR No.51 dated 12.06.2023, under Sections 21(C) and 29 of the NDPS Act and Sections 307/ 279/ 427/ 186/ 353 of IPC, registered at Police Station Sadar Nakodar, District Jalandhar.

2. On the last date of hearing, i.e., on 21.09.2023, while noticing the following submissions made by the learned counsel for the petitioner, this Court, had granted the concession of interim bail to the petitioner and asked him to join investigation:-

“Learned counsel for the petitioner submits that it was a case of chance recovery and the petitioner’s name surfaced in the second disclosure statement made by co-accused Gujral Singh @ Joga, who stated that out of the recovered contraband, 1 kg heroin was to be supplied to the petitioner. In support, he has drawn the attention of this Court to Annexure P-2. He submits that the evidentiary value of such disclosure statement is of a weak nature.”

3. Learned counsel for the petitioner submits that in compliance of order dated 21.09.2023, 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. She, on further instructions, submits that the petitioner is not required for further investigation much less for his custodial interrogation.

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5. In view of the above, the petition is allowed and interim order dated 21.09.2023, is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C. Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

(MANJARI NEHRU KAUL)
JUDGE

November 15, 2023
mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No