

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

221

CRM-M-48104-2023

Date of Decision:21.11.2023

Sukhpreet Singh
Vs.
State of Punjab

.....Petitioner

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. S.P.S. Aulakh, Advocate
for the petitioner.

Mr. Randeep Singh Khaira, DAG, Punjab
assisted by ASI Sukhminder Singh.

DEEPAK GUPTA, J.(ORAL)

On 22.09.2023 following order was passed:

“At the outset, learned counsel for the petitioner has made an oral prayer to amend the head note of the petition as well as the prayer clause, to delete Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short ‘the NDPS Act’) and replace it by Section 20 of the NDPS Act to bring it in consonance with the FIR.

The FIR (Annexure P-1) is perused. Prayer is allowed.

Registry is directed to carry out the necessary correction by deleting Section 22 of the NDPS Act by replacing it with Section 20 of the NDPS Act in the head note of the petition as well as in the prayer clause.

By way of this petition filed under Section 438 Cr.P.C., prayer is made for grant of anticipatory bail in case FIR No.546, dated 01.12.2022, under Sections 20 and 29 of the NDPS Act and Section 52-A of the Prison Act, 1894, registered at Police Station City Barnala, District Barnala.

As per allegations, petitioner was in custody in case FIR No.403, dated 15.09.2022, registered at Police Station City Barnala,

District Barnala and was confined in District Jail, Barnala. His mother-co accused- Binder Kaur came to see him on 23.11.2022 and brought some clothes and shoes at the time of her meeting with the petitioner. It is alleged that on checking of those clothes and shoes by the jail staff, three mobile phones and 18 grams of narcotic substance was found.

Learned counsel for the petitioner contends that FIR No.403, dated 15.09.2022, in which the petitioner was confined in District Jail, Barnala, has since been quashed by this Court vide order dated 20.01.2023 (Annexure P-2) passed in CRM-M-58943-2022 (O&M) and he has since been released. Learned counsel further contends that petitioner was not at all aware about the contents of the clothes and shoes allegedly brought by his mother.

Notice of motion.

Mr. Randhir Singh, Addl. A.G., Haryana accepts notice on behalf of the respondent-State. A copy of paper book be supplied to him during the course of day.

Adjourned to 21.11.2023 for filing status report.

In the meantime, petitioner is directed to join investigation and co-operate in the same. He will not leave the country without prior permission of the Court nor shall make any attempt to contact the complainant of the case or any witness associated with the case. In the event of the arrest of the petitioner, he shall be released on interim bail on his furnishing personal/surety bonds to the satisfaction of the Arresting Officer/Investigating Officer. He shall also abide by conditions as envisaged under Section 438(2) Cr.P.C.”

Today learned State counsel, on instructions from ASI Sukhminder Singh, submits that petitioner has since joined the investigation and is not required for custodial interrogation.

Having regard to the aforesaid facts and circumstances, but without commenting anything further on the merits of the case order dated

22.09.2023 is hereby made absolute, whereby petitioner was granted interim anticipatory bail.

However, the petitioner shall continue to join the investigation as and when called upon to do so by the Investigating Agency and shall abide by the conditions of Section 438 (2) Cr.P.C.

November 21, 2023

(DEEPAK GUPTA)
JUDGE

Neetika Tuteja

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No