

208 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-53989-2023

Date of decision: 12.12.2023

SARWAN SINGH @ SWARAN SINGH

...PETITIONER

V/S

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Nakul Sharma, Advocate for the petitioner.
Mr. IPS Sabharwal, DAG, Punjab.

HARPREET SINGH BRAR J. (ORAL)

Through instant petition, the petitioner is seeking anticipatory bail in case FIR No.90 dated 28.09.2023 registered under Section 22(c)/29/61 and 85 of Narcotic Drugs and Psychotropic Substances Act, at Police Station Lohian, District Jalandhar.

2. On 23.10.2023, following order was passed:

"CRM-45216-2023

This is an application filed under Section 482 Cr.P.C. for exemption from filing true typed/certified/photocopies of Annexure P-1 to Annexure P-4. Application is allowed, as prayed for.

CRM-M-53989-2023

Prayer in instant petition, filed under Section 438 Cr.P.C., is for grant of anticipatory bail to the petitioner in case FIR No. 90 dated 28.09.2023, registered under Sections 22(c)/29/61 and 85 of NDPS Act, 1985 at Police Station Lohian, District Jalandhar.

2. *Learned counsel for the petitioner, inter alia, submits that the petitioner has not been named in the FIR, however, he sought to be nominated as an accused only on the basis of disclosure statement made by co-accused which is inadmissible in law. Learned counsel further submits that the bail application moved by the petitioners under Section 438 of the Code of Criminal Procedure Code, for grant of anticipatory bail has wrongly been dismissed by learned Judge, Special Court, Jalandhar vide its order dated*

09.10.2023 (Annexure P-3). It is also submitted that the petitioner is ready and willing to join investigation as and when required by the Investigating Agency or as directed by this Court or trial Court.

3. Notice of motion.

4. On the asking of the Court, Mr. Vipin Pal Yadav, Additional A.G., Punjab, who is present in the Court, accepts notice on behalf of respondent-State. Learned State counsel opposes the petitioner's plea for bail on the ground of seriousness of offence. Learned State counsel seeks a short accommodation to file status report in this case.

5. List on 12.12.2023.

6. Without commenting anything on the merits of the case, petitioner is directed to join the investigation as and when directed by the investigating agency. In the meantime, in the event of arrest of petitioner, he shall be released on ad interim bail to the satisfaction of the Investigating/Arresting Officer and the petitioner shall abide by the terms and conditions laid down under Section 438(2) of the Code of Criminal Procedure.

7. A copy of the complete paper book be supplied to learned State counsel by the learned counsel for the petitioner during course of the day.

8. Status report be filed before next date of hearing with an advance copy thereof to counsel opposite."

3. Learned State counsel, on instructions from ASI Sukhdev Singh, submits that in compliance of order dated 23.10.2023, passed by this Court, the petitioner has joined the investigation on 04.12.2023 and is not required for further custodial interrogation.

4. Keeping in view the statement made by learned State Counsel the order dated 23.10.2023, is made absolute. The petitioner shall abide by the terms and conditions enumerated in Section 438(2) of Cr.P.C.

5. The petition is accordingly allowed.

(HARPREET SINGH BRAR)
JUDGE

December 12, 2023
manisha

(i)	Whether speaking/reasoned	Yes/No
(ii)	Whether reportable	Yes/No