

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

(209)

CRM-M-57797 of 2022
DATE OF DECISION:-23.03.2023

Navdeep Singh @ Chikoo

...Petitioner

vs.

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Naveen Bawa, Advocate, for the petitioner.

Mr. Tarun Aggarwal, Sr. DAG, Punjab.

HARKESH MANUJA, J.

By way of present petition filed under Section 438 of the Code of Criminal Procedure, 1973, petitioner prays for grant of pre-arrest bail in case FIR No.0165 dated 21.11.2022 (Annexure P-1) under Sections 21(b), 22, 25, 61 of NDPS Act, 1985 (Offences under Sections 29, 85 of NDPS Act, 1985 added lateron), registered at Police Station Raja Sansi, Police District Amritsar.

This Court, while issuing notice of motion on 12.12.2022, passed the following order :

“Through the instant petition, the petitioner seeks anticipatory bail in case bearing FIR No.165 dated 21.11.2022, registered under Sections 21(b), 22, 25 and 61 NDPS Act and Section 29 NDPS Act (added later on), at Police Station Raja Sansi, Police District Amritsar.

Learned counsel for the petitioner submits that the petitioner was not arrested at the spot; that the petitioner was not named in the FIR and has been indicted on the basis of the disclosure statement of co-accused, namely, Sanjam, from whom 20 grams heroin (non-commercial quantity), was recovered; that the alleged recovery was effected from co-accused, namely,

Sanjam and Paramjit Singh and that the disclosure statement is not admissible in the eyes of law.

Notice of motion.

On the asking of this Court, Mr. Harkanwar Jeet Singh, AAG, Punjab, accepts notice on behalf of the respondent-State. He, on the instructions from SI Dhanwinder Singh, submits that co-accused, namely, Sanjam, in his disclosure statement has specifically stated that he had purchased the heroin from the petitioner.

Adjourned to 23.03.2023.

Meanwhile, the petitioner is directed to join the investigation and if he is sought to be arrested, he shall be released on interim bail to the satisfaction of Investigating Officer/Arresting Officer subject to the conditions as envisaged in Section 438 (2) of the Code of Criminal Procedure.

However, anticipatory bail, granted while exercising the judicial discretion, should not operate as an inroad into the statutory investigational power of the police.”

Learned counsel for the petitioner states that in pursuance of order dated 12.12.2022 passed by this Court, the petitioner has already joined investigation.

The above factual position is duly acknowledged by learned State counsel, on instructions from ASI Gurbax Singh, Police Station Raja Sansi, by submitting that the petitioner has joined investigation and his custodial interrogation is no longer required in this case.

In view of the above, the petition is allowed. Interim order dated 12.12.2023 is hereby made absolute, subject to all the conditions as envisaged under Section 438(2) Cr.P.C.

23.03.2023

anil

ANIL KUMAR
2023.03.25 13:10
I attest to the accuracy and
integrity of this document

(HARKESH MANUJA)
JUDGE

whether speaking/reasoned: Yes/No

whether reportable: Yes/No