

202 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-58141-2023 (O&M)

Date of Decision: 21.12.2023

PARVEEN SINGH

...Petitioner

V/S

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Sandeep Kumar, Advocate
for the petitioner.

Mr. Madhur Sharma, AAG Punjab.

HARPREET SINGH BRAR J. (Oral)

1. Through instant petition, the petitioner is seeking anticipatory bail in case FIR No. 120 dated 01.09.2023 registered under Section 21 of NDPS Act (Section 29 of NDPS Act added later on) at Police Station Subhanpur, District Kapurthala.

2. On 01.12.2023, following order was passed:

“xxxxxx

CRM-M-58141-2023

The present petition has been filed under Section 438 Cr.P.C. seeking anticipatory bail in a case bearing FIR No.120 dated 01.09.2023 under Section 21 of the NDPS Act (Section 29 of the NDPS Act added later on) registered at Police Station Subhanpur, District Kapurthala (Annexure P-1). On 20.11.2023, the following order was passed by this Court:-

‘Learned counsel for the petitioner contends that with regard to one incident, two FIRs have been lodged against the petitioner which is in violation of Article 21 of the Constitution of India as well as the law laid down by the Hon’ble Supreme Court in ‘TT Antony Vs. State of Kerala’ 2001 (6)

SCC 181.

Notice of motion.

On receipt of advance notice, Ms. Navreet Kaur Barnala, AAG, Punjab puts in appearance and seeks time to file status report.

Adjourned to 01.12.2023.'

Status report dated 30.11.2023 has been filed by way of affidavit of Sh. Bharat Bhushan PPS, Deputy Superintendent of Police, Sub Division Bholath Kapurthala, on behalf of the respondent-State and the same is taken on record.

The perusal of the status report indicates that no specific response has been filed to the contention raised by the petitioner that two FIRs have been lodged against him in violation of Article 221 of the Constitution of India as well as the law laid down by the Hon'ble Supreme Court in 'T T Antony (supra)'.

The petitioner is not named in the FIR and he has been implicated in the present case on the basis of disclosure statement made by Raj Kaur while in custody which is hit by Section 26 of the Evidence Act.

Adjourned to 21.12.2023.

State is directed to file response in view of the aforementioned contentions.

*In the meantime, keeping in view the law enunciated by the Hon'ble Supreme Court in **Satender Kumar Antil Vs. CBI (2022) 10 SCC 51; Siddharam Satlingappa Mhetre Vs. State of Maharashtra and others 2010 SCC OnLine SC 137; Gurbaksh Singh Sibbia etc. Vs. State of Punjab (1980) 2 SCC 565, Arnesh Kumar Vs. State of Bihar (2014) 8 SCC 273 and Sushila Aggarwal Vs. State of NCT Delhi 2020 (1) RCR (Criminal) 833**, at the first instance, the petitioner is directed to appear before the Investigating Officer on or before 14.12.2023 and on his doing so or in the event of arrest, the petitioner shall be admitted to*

interim bail on furnishing of bail/surety bond to the satisfaction of the Investigating/Arresting Officer. The petitioner shall cooperate with the Investigating Officer and abide by the conditions as provided under Section 438 (2) Cr.P.C.

If the Investigating/Arresting Officer does not permit the petitioner to join the investigation, the petitioner would appear before the Illaqa Magistrate, who would then summon the Arresting Officer and direct him to join the petitioner in investigation, in terms of the order of this Court.

Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court.”

3. Learned State counsel on instructions from ASI Rajender Kumar, submits that in compliance of order dated 01.12.2023 passed by this Court, the petitioner has joined the investigation and is not required for further custodial interrogation.

4. Keeping in view the statement made by learned State Counsel the order dated 01.12.2023, 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.

21.12.2023
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No