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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M No. 50-2024

Date of Decision: 05.02.2024

Jaskirat Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Lakshay Bector, Advocate for
Mr. Ruhani Chadha, Advocate for the petitioner.

Mr. Subhash Godara, Addl. AG, Punjab.

HARPREET SINGH BRAR, J.(ORAL)

1. Through the instant petition, the petitioner is seeking anticipatory bail in case FIR No. 220 dated 25.10.2023 registered under Section 21 of Narcotic Drugs and Psychotropic Substances Act, 1985 and offence under Section 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 added later on at Police Station Navi Baradari, District Jalandhar.
2. On 05.01.2024, following order was passed:

“The present petition has been filed under Section 438 of Cr.P.C. seeking anticipatory bail to the petitioner in case bearing FIR No.220 dated 25.10.2023 under Section 21 of the Narcotic Drugs and Psychotropic Substance Act, 1985 (in short ‘the NDPS Act’) and Section 29 of the NDPS Act added later on, registered at Police Station Navi Baradari District Jalandhar (Annexure P-1).

Learned counsel for the petitioner inter alia contends that petitioner is not named in the FIR and he has been involved in the present case only on the basis of confessional statement suffered by co-accused while in police custody

which is hit by Section 27 of the Indian Evidence Act. Moreover, no recovery of the seized contraband was made from the petitioner to indicate the conscious possession of the petitioner over the same. He further submits that the petitioner is not involved in any other case.

Notice of motion.

On the asking of the Court, Mr. Subhash Godara, Addl.A.G., Punjab, who is present in Court, accepts notice on behalf of the respondent-State.

*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 within two weeks from today 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/Arresting 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 Investigating/Arresting Officer and direct him to join the petitioner in investigation, in terms of the order of this Court.

Adjourned to 05.02.2024.

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 Balkaran Singh,

submits that in compliance of order dated 05.01.2024 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 05.01.2024, 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.

05.02.2024

(HARPREET SINGH BRAR)

Rajeev (rvs)

JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No