

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

(206)

CRM-M-131-2024 (O&M)
Date of decision : 02.04.2024

Joban Singh

... Petitioner

VERSUS

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr.Gurpreet Singh, Advocate for
Mr. Ramnish Puri, Advocate for the petitioner.

Mr. J.S. Dhaliwal, DAG, Punjab.

KARAMJIT SINGH, J. (Oral)

Prayer is for grant of anticipatory bail to the petitioner in criminal case having FIR No.21 dated 28.01.2022 registered under Sections 21 of NDPS Act (Section 29 of NDPS Act added later on) at Police Station Gharinda, District Amritsar.

The allegations in nutshell are that on 28.01.2022, the police apprehended one Sharanjit Singh alias Sunny and recovered 20 grams of Heroin and Sharanjit Singh alias Sunny was arrested at the spot. During further investigation, said Sharanjit Singh alias Sunny made disclosure statement against the present petitioner Joban Singh and one Prabhjit Singh alias Prabhdeep Singh. Resultantly, the present petitioner and Prabhjit Singh alias Prabhdeep Singh were nominated as accused in the present case.

On the last date of hearing, a detailed order was passed whereby the petitioner was granted interim bail with a direction to join the investigation with the police.

Today, the counsel appearing on behalf of the petitioner submits that by virtue of the aforesaid interim order, the petitioner has joined the investigation with the police. It is further submitted that the petitioner is having

no criminal history and that the alleged recovery effected from co-accused, falls under the non-commercial quantity and does not attract stringent provisions of Section 37 of the NDPS Act.

State counsel on instructions from ASI Saheb Singh submits that indeed the petitioner has joined the investigation with the police and is not required for any further investigation or custodial interrogation by the police and he has not refuted the fact that the the petitioner is having no criminal history and the recovery effected from co-accused Sharanjit Singh alias Sunny falls under the non-commercial quantity.

In view of the above, without commenting on the merits of the case, the present petition is allowed and order of interim bail dated 08.01.2024 is hereby made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.

(KARAMJIT SINGH)
JUDGE

02.04.2024
Anjal*

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