

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Crl. Misc. No. M-2335 of 2024
Date of Decision: February 16, 2024

Rupinderjit Singh @ Machhar

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE HARPREET SINGH BRAR

Present : Mr. Jaskamal Singh Grewal, Advocate
for the petitioner

Mr. Sandeep Kumar, DAG Punjab

Harpreet Singh Brar, J. (Oral)

1. Prayer in the petition under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in case FIR No.375 dated 25.11.2023 under Sections 21(b)/25/61 of NDPS Act (Sections 29/27 of NDPS Act added later on) registered at Police Station Sadar Mansa, District Mansa, Punjab.

2. On 16.01.2024, the following order was passed :-

“The present petition has been filed under Section 438 of Cr.P.C. seeking anticipatory bail to the petitioner in a case bearing FIR No.375 dated 25.11.2023 under Sections 21(b)/25/61 of NDPS Act (Sections 29/27 of NDPS Act added later on) registered at Police Station Sadar Mansa, District Mansa, Punjab.

Learned counsel for the petitioner inter alia contends that the petitioner is not named in the FIR and no contraband breaching the threshold of the NDPS Act has been recovered from the conscious possession of the petitioner. In fact, 30 grams of heroin was recovered from the co-accused and the petitioner was named in the

disclosure statement suffered by the co-accused while in police custody which is hit by Section 27 of the Indian Evidence Act. He further submits that the petitioner is not involved in any other case under the NDPS Act and the alleged contraband recovered from the co-accused falls under the small quantity.

Notice of motion.

On the asking of the Court, Mr. Digvijay Nagpal, AAG, 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 16.02.2024.

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 Bikker Singh, states that pursuant to order dated 16.01.2024, the petitioner has joined the investigation and is no more required for custodial interrogation.

4. In view of the statement of learned State counsel, order dated 16.01.2024 is made absolute. The petitioner shall abide by the terms and conditions enumerated in Section 438(2) Cr.P.C.

5. Petition stands disposed of.

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

(HARPREET SINGH BRAR)
JUDGE

February 16, 2024

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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No