

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-6749-2024
Date of decision: 20.03.2024

BACHITTAR SINGH
....PETITIONER

VERSUS

STATE OF PUNJAB
....RESPONDENT

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Tarun Vir Singh Lehal, Advocate for the petitioner.
Mr. Ankit Grewal, DAG, Punjab.

SANJIV BERRY, J.(ORAL)

1. By way of present petition filed under Section 438 of Code of Criminal Procedure, 1973, petitioner seeks anticipatory bail in case FIR (Annexure P-1) as under:

FIR No.	Dated	Sections	Police Station
232	16.12.2023	21-C, 27-A and 29 of NDPS Act	Dinanagar, Gurdaspur

2. Learned counsel for the petitioner submits that in compliance to the order dated 28.02.2024 passed by this Court, the petitioner has already joined the investigation and as such prayed for confirming the interim bail granted vide order dated 28.02.2024.

3. Learned State counsel, on instructions from Inspector Daljeet Singh, intimates that the petitioner had joined the investigation in the case and is no more required for any custodial investigation in this case nor he is required for further investigation.

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4. During the course of hearing on 28.02.2024, following order was passed:

“1. Explanation of Senior Superintendent of Police, Gurdaspur dated 28.02.2024 filed by way of his affidavit has been received. Same is accepted and taken on record.

2. Heard.

3. It is inter alia contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He submits that the petitioner is neither named in the FIR nor he has any concern with the alleged transaction but has been nominated on the basis of alleged disclosure statement made by co-accused Jarmanjit Singh and Jaspreet Singh, whereby they had named the petitioner as well as one Sona Singh. He submits that the said co-accused Sona Singh has already been granted the concession of anticipatory bail by the learned Additional Sessions Judge, Gurdaspur and the petitioner is on same footing. He submits that the petitioner is not involved in any other case of NDPS Act. He further submits that even the case FIR No.15 dated 15.02.2012 mentioned in the status report filed by the State, has since been decided by way of acquittal in favour of the petitioner. He submits that the petitioner is ready to join investigation.

4. Per contra, learned State counsel on instructions from Inspector Daljeet Singh, Investigating Officer of the case has not disputed the factual matrix of the case and has admitted that there is no other case under the NDPS Act registered against the petitioner.

5. In these circumstances, it is deemed appropriate that the petitioner should join the investigation first, before deciding the petition on merits. The petitioner is hereby directed to join investigation within seven days from today and co-operate in the same. In the event of the arrest of the

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petitioner, he shall be released on interim bail on his furnishing personal/surety bonds to the satisfaction of the Arresting Officer/Investigating Officer. He shall also abide by conditions as envisaged under Section 438(2) Cr.P.C.
6. List on 20.03.2024.”

5. Keeping in view the respective submissions made by learned State counsel and considering the fact that the petitioner had already joined the investigation and is no more required for further investigation nor he is required for any custodial interrogation, interim bail granted vide order dated 28.02.2024 is hereby confirmed, subject to conditions as envisaged under Section 438(2) Cr.P.C. Further, the petitioner is directed to join investigation as and when required in future by way of written notice for such purpose to be served by Investigating Officer of this case upon the petitioner; he will not tamper with the evidence nor will influence the witnesses and will not leave the country without prior permission of the Court.

6. The petition stands allowed.

7. It is made clear that anything contained hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(SANJIV BERRY)
JUDGE

20.03.2024
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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |