

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

220

CRM-M-9667-2024 (O&M)
Date of decision: 19.03.2024

GURBAKSHISH SINGH @ NIKKA

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. Aman Kumar, Advocate for
Mr. Piyush Sharma, Advocate
for the petitioner(s).

Mr. Ankit Grewal, DAG Punjab.

SANJIV BERRY. J. (Oral)

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

FIR No.	Dated	Sections	Police Station
18	05.02.2023	21 of the NDPS Act (29 of the NDPS Act added later on)	Sadar Zira, District Ferozepur

2. Learned counsel for the petitioner has submitted that in compliance to the order dated 28.02.2024 passed by this Court, the petitioner has already joined the investigation and as such interim bail granted to the petitioner may be confirmed.

3. Learned State counsel, on instructions from ASI Avneet Singh has

intimated that the petitioner has joined investigation and is no more required for any custodial investigation in this case nor he is required for further investigation.

4. Heard.

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

“ 2. It is, inter alia, contended by learned counsel for the petitioner that the petitioner is innocent and is neither named in the FIR nor has any concern with the allegations levelled in the FIR but has been nominated on the disclosure statement made by the co-accused, namely Samuel, who was apprehended by the police along with non commercial quantity of contraband. He further contends that the petitioner was implicated in one more case registered under the NDPS Act that too under Section 29 of the NDPS Act, wherein no recovery was effected from the petitioner. He further contends that the petitioner is on bail in that case.

3. Learned counsel for the petitioner further contends that the petitioner is ready to join investigation

4. Notice of motion, returnable for 19.03.2024.

5. On the asking of the Court, Mr. Harpreet Singh, Addl. AG, Punjab, present in Court, accepts notice on behalf of the Staterespondent and, on instructions from ASI Amarjeet Singh, PS Sadar Zira, District Ferozepur, submits that the petitioner has been nominated on the basis of disclosure statement made by the co-accused, namely Samuel. He prays for time to file the status report/reply in the matter.

6. Needful be done well before the date fixed with an advance copy to the counsel opposite.

7. In the meanwhile, the petitioner is hereby directed to join investigation within seven days from today and in the event of his arrest, he is ordered to 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. Keeping in view the above submissions made by learned State counsel and the fact that the petitioner had joined the investigation consequent to the order dated 28.02.2024 passed by this Court, 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

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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.

7. The petition stands allowed.

(SANJIV BERRY)
JUDGE

19.03.2024
S.Sharma(syr)

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