

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

207

CRM-M-13028-2024
Date of decision: 29.04.2024

LOVEPREET SINGH

....Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. A.S. Sivia, Advocate
for the petitioner.

Mr. Raghav Garg, AAG, Punjab.

KULDEEP TIWARI. J.(Oral)

1. On the last date of hearing, i.e. 14.03.2024, the following order was passed:-

“1. Through the instant petition, as instituted under Section 438 of the Cr.P.C., the petitioner seeks grant of anticipatory bail, in case FIR No.02 dated 03.01.2024, under Sections 21(B)/61/85 of the N.D.P.S Act (Sections 25/54/59 of the Arms Act added subsequently), registered at P.S. Bariwala, District Sri Muktsar Sahib.

2. The learned counsel for the petitioner submits that neither the name of the petitioner reflects in the FIR, nor any role whatsoever has been assigned to him therein. The only piece of evidence, which constitutes the bedrock for the investigating agency to arrest the petitioner, is the disclosure statement of co-accused, from whom the alleged recovery of 10 grams of heroin was effected, and as such, his disclosure statement cannot be taken into consideration.

3. The learned counsel for the petitioner further submits that even in the disclosure statement (supra), the petitioner is not alleged to have been indulging in smuggling of narcotics, rather the only

allegation against him, is that, he had supplied a pistol to the co-accused. Lastly, he submits that though the petitioner is involved in two other cases under the N.D.P.S. Act, however, in the instant case, there is no allegation against him qua smuggling of narcotics.

4. Notice of motion for 29.04.2024.

5. Mr. Pardeep Bajaj, D.A.G., Punjab, accepts notice on behalf of respondent-State of Punjab.

6. In the meantime, the petitioner is directed to join the investigation and to appear before the investigating agency, as and when called upon to do so. In the event of his arrest, he shall be admitted to interim bail on his furnishing bail bonds to the satisfaction of the Arresting/Investigating Officer. The petitioner shall abide by the terms and conditions as envisaged under Section 438(2) Cr.P.C.”

2. Today, the learned State counsel on instructions imparted to him by ASI Dalbir Singh, submits that the petitioner has already joined the investigation and he is fully co-operating with the investigation process and he is not required for any further custodial investigation.

3. In view of the specific stand taken by the learned State counsel, the present petition is **allowed** and order dated 14.03.2024 is, hereby, made absolute subject to the condition that the petitioner shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

29.04.2024
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(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No