

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(206)

2024:PHHC:051256
CRM-M-13308-2024
Date of Decision: 16.04.2024

Jaimal Singh --Petitioner

Versus

State of Punjab --Respondent

CORAM:- HON'BLE MR. JUSTICE GURVINDER SINGH GILL.

Present:- Mr. Sarbjit Singh, Advocate for the petitioner.

Mr. Gauravdeep Singh Dhaliwal, AAG, Punjab.

FIR	Dated	Police Station	Sections
36	19.05.2023	Kathgarh, District SBS Nagar	22 and 29 of NDPS Act

GURVINDER SINGH GILL.J (Oral)

1. The petitioner seeks grant of anticipatory bail in respect of the
aforementioned FIR.
2. At the time of issuance of notice of motion, the following order
was passed on 15.03.2024:-

“The instant petition has been filed under Section 438 of the Code of Criminal Procedure (hereinafter referred to as Cr.P.C) for grant of anticipatory bail to the petitioner in FIR No.36 dated 19.05.2023 registered under Sections 22 and 29 of the NDPS Act at Police Station Kathgarh, District SBS Nagar.

Learned counsel for the petitioner inter alia contends that the petitioner is not named in the FIR and nothing has been recovered from the conscious possession of the petitioner. He has been nominated under Section 29 of the NDPS Act and admittedly, the contraband was recovered from the possession of the co-accused Nauman. The petitioner is not involved in any other case under the NDPS Act.

Notice of motion.

*On the asking of the Court, Mr. Subhash Godara, Addl. A.G., Punjab, who is present in Court, accepts notice on behalf of the respondent-State and opposes the prayer for grant of anticipatory bail to the petitioner. 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, petitioner is directed to appear before the Investigating Officer on or before 22.03.2024 and on his doing so or in the event of arrest, 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 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, petitioner would appear before the Illaqa Magistrate, who would then summon the Arresting Officer and direct him to join the petitioner in investigation, in terms of the order of this Court.

Adjourned to 16.04.2024.

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, upon instructions from ASI Satwant Singh has informed that pursuant to interim directions, the petitioner has since joined investigation and he is not required for any custodial interrogation. It has also been informed that the petitioner is not involved in any other case.

4. Having regard to the aforestated position, wherein the petitioner is stated to have joined investigation and is not required for any custodial interrogation, the petition is accepted and the interim directions issued by this Court vide order dated 15.03.2024 are hereby made absolute, subject to the condition that the petitioner shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438(2) Cr.P.C.

(GURVINDER SINGH GILL)
JUDGE

16.04.2024
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Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No