



In The High Court for the States of Punjab and Haryana
At Chandigarh

CRM-M-20535-2024 (O&M)
Date of Decision:- 29.08.2024

Ismail alias Smile Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Hitesh Chopra, Advocate, for the petitioner.

Mr. Siddharth Attri, AAG, Punjab,
assisted by SI Ranjit Singh.

FIR NO.	DATE	POLICE STATION	OFFENCES
0090	16.08.2023	Sadar Batala, District Gurdaspur	21, 29, 61, 85 NDPS Act

GURVINDER SINGH GILL, J. (Oral)

1. The instant petition has been filed on behalf of the petitioner seeking grant of anticipatory bail in respect of aforementioned FIR.



2. At the time of issuance of interim bail the following order was passed on 25.04.2024:

“The petitioner seeks grant of anticipatory bail in respect of a case registered vide FIR No.0090, dated 16.8.2023 at Police Station Sadar Batala, District Gurdaspur, under Sections 21, 29, 61, 85 of Narcotic Drugs and Psychotropic Substances Act, 1985.

The case of the prosecution is that during the course of checking, the police party intercepted two persons on the basis of suspicion, who were travelling in a car on 16.8.2023. Upon inquiry, they disclosed their names as Arjun Bhatti and Robanjit Singh. Their search yielded recovery of 30 grams of ‘heroin’ from Arjun Bhatti. It is further the case of prosecution that during the course of interrogation, Arjun Bhatti disclosed that he had procured the aforesaid contraband from the petitioner.

Learned counsel for the petitioner submitted that the petitioner is nowhere named in the FIR and has been nominated on the basis of a disclosure statement made by co-accused, which would hardly carry any evidentiary value.

Notice of motion for 29.8.2024.

Meanwhile, in the event of arrest, the petitioner be released on interim bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the 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.”



3. Learned State counsel has submitted that the petitioner has joined investigation and is not required for any custodial interrogation.
4. In view of the aforestated position wherein the petitioner has joined investigation and he is not stated to be required for any custodial interrogation, the petition is accepted and the interim directions issued by this Court vide order dated 25.04.2024 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.

29.08.2024

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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No