



**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

212**CRM-M-23084-2024****Date of decision: 12.08.2024****Bhupinder Singh alias Bhinda**

....Petitioner

V/s

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE MANJARI NEHRU KAUL

Present: Ms. Amarjeet Kaur, Advocate for
Mr.Sukhbir Maandi, Advocate for the petitioner.

Mr.Amit Rana, Sr.DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of anticipatory bail under Section 438 of the Cr.P.C. in case FIR No.119 dated 25.09.2023 under Sections 18, 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (Sections 29, 61 and 85 of the NDPS Act added later on) registered at Police Station Khilchian, District Amritsar (Rural).

2. On the last date of hearing i.e. on 09.05.2024, while noticing the following submissions made by the learned counsel for the petitioner, a Coordinate Bench of this Court, had granted the concession of interim bail to the petitioner and asked him to join investigation:-

“Counsel for the petitioner submits that the petitioner who was not named in the FIR was later on nominated as accused on the basis of alleged disclosure statement of co-accused Sunny Singh



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@ Sunny from whom police is stated to have recovered 3 grams of heroin on 25.09.2023. Counsel for the petitioner further submits that the alleged disclosure statement made by co-accused against the present petitioner is inadmissible in evidence and that the petitioner who is having no criminal history is ready to join investigation with the police.”

3. Learned counsel for the petitioner submits that in compliance of order dated 09.05.2024, the petitioner has joined investigation and cooperated with the investigating agency.

4. Learned State counsel, on instructions from ASI Rajwant Singh, does not dispute the factum of the petitioner having joined investigation and cooperated with the investigating agency. It has also not been disputed that the petitioner has clean antecedents and is not involved in any other case much less under the NDPS Act. He, on further instructions, submits that the petitioner is not required for further investigation much less for his custodial interrogation.

5. In view of the above, the petition is allowed and interim order dated 09.05.2024, is made absolute subject to the conditions laid down in Section 482(2) of BNSS/Section 438(2) of the Cr.P.C.

6. Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

(MANJARI NEHRU KAUL)
JUDGE

August 12, 2024

poonam

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No