



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

CRM-M-26852-2024

Date of Decision : 17.07.2024

GURDEEP SINGH

.....Petitioner(s)

VERSUS

STATE OF PUNJAB

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Amritpal Singh Gill, Advocate,
for the petitioner(s).

Mr.Pardeep Bajaj, DAG, Punjab.

KULDEEP TIWARI, J.(Oral)

1. On 27.05.2024, this Court had passed the hereinafter
extracted order, upon the instant petition:-

“1. Through the instant petition, as instituted under Section 438 of the Cr.P.C., the petitioner seeks the concession of anticipatory bail, in case FIR No.176 dated 08.09.2023, under Section 22 of the N.D.P.S Act, 1985 (Section 29 of the N.D.P.S. Act, 1985, added subsequently), registered at P.S. Sidhwan Bet, District Ludhiana (Rural).

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 Charanjit Singh, from whom the alleged recovery of 150 intoxicant tablets containing 51.600 grams Tramadol Hydrochloride salt was effected, and as such, the said disclosure statement cannot be taken into consideration. Moreover, when even the allegedly recovered contraband falls under “non commercial quantity” and when, except disclosure statement, there is no other cogent incriminatory material available with the investigating agency to connect the petitioner with the alleged crime, therefore, he deserves the concession of anticipatory bail.

3. Lastly, the learned counsel for the petitioner submits that the petitioner is not involved in any other case.
 4. Notice of motion for 17.07.2024.
 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 has, on instructions imparted to him by the official concerned, stated that pursuant to the making of the hereinabove extracted order, the petitioner(s) had joined investigation and he is no longer required for custodial interrogation.
3. In view of the above, the hereinabove extracted interim order dated 27.05.2024, is hereby made **absolute**, subject to the hereinafter extracted conditions:-
- “(i) the petitioner(s) shall not commit an offence similar to the present offence;
 - (ii) the petitioner(s) shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case;
 - (iii) the petitioner(s) shall make himself/herself available for interrogation by a police officer as and when required.”
4. This order should not be treated as “blanket” order. It will not be read granting petitioner(s) indefinite protection from arrest. It shall be confined to the FIR mentioned *ibid* and will not operate in respect of any other incident that involves commission of an offence.
5. Needless to say that anything observed hereinabove shall not be construed to be an opinion on the merits of the case.

July 17, 2024
dharamvir

(KULDEEP TIWARI)
JUDGE

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