



CRM-M-26714-2024

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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-26714-2024
Date of decision: 20.08.2024

Gurdas SinghPetitioner.

Versus

State of PunjabRespondent.

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Ruhani Chadha, Advocate,
for the petitioner.

Mr. Ankit Grewal, DAG, Punjab.

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SANJIV BERRY, J. (ORAL)

By way of present petition filed under Section 438 Cr.P.C,
the petitioner seek anticipatory bail in case FIR (Annexure P-1) as
under: -

FIR No.	Dated	Sections	Police Station
28	24.02.2024	15 and 25 of the NDPS Act	Sadar Jagraon, District Ludhiana, Rural

2. Learned counsel for the petitioner submits that in compliance to the order dated 24.05.2024, the petitioner has joined the investigation.

3. During the course of hearing on 24.05.2024, following order has been passed: -

‘The prayer in the petition under Section 438 Cr.PC is for grant of anticipatory bail to the petitioner in case



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FIR No.28 dated 24.02.2024 registered under Sections 15 and 25 of the NDPS Act, 1985 at Police Station Sadar Jagraon, District Ludhiana, Rural.

The counsel for the petitioner contends that the petitioner has been named in the disclosure statement of his co-accused. He further contends that two co-accused of the petitioner namely, Gurjinder Singh @ Motu and Lakhwinder Singh @ Lakhu have been granted the concession of anticipatory bail vide orders dated 25.04.2024 and 10.05.2024. Reliance is placed on the order in 'Vijay Singh versus The State of Haryana, bearing Special Leave to Appeal (Crl.) No(s).1266/2023 decided on 17.05.2023', which is reproduced as under:-

"The petitioner is alleged to have committed offences under Sections 15 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter called the NDPS Act". His application for anticipatory bail was rejected by the High Court. The allegations in the FIR are that 1.7 Kg of Poppy Straw (Doda Post) was recovered from the co-accused. The petitioner concededly was not present at the spot but was named by the co-accused. That apart there is no other material to implicate the petitioner. The prosecution urges that another case with allegations of commission of offence under the NDPS Act are pending against the petitioner.

It is not denied that in those proceedings he was granted bail.

Having regard to these circumstances, the petitioner is directed to the enlarged on



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anticipatory bail, subject to such terms and conditions as the trial Court may impose.

The petition is allowed.

All pending application s are disposed of.”

Notice of motion for 20.08.2024.

Ms. Ramta K Chaudhary, DAG, Punjab accepts notice on behalf of the respondent-State.

In the meantime, the petitioner is directed to appear before the SHO/Investigating Officer to join investigation and in the event of his arrest, he shall be released on bail on his furnishing bail bonds to the satisfaction of SHO/Investigating Agency subject to the following conditions as envisaged under Section 438(2) Cr.P.C:-

i) that the petitioner shall make himself available for interrogation before the Investigating Officer as and when required;

ii) that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;

iii) that the petitioner shall not leave the country, without prior permission of the Court and shall surrender his passport, if any.

Meanwhile, the State counsel is directed to file an affidavit as to the exact role of the petitioner along with the details of pending FIRs, if any, on or before the next date of hearing.’

4. Learned State counsel on instructions from SI Gurvinder Singh, informs the Court that the petitioner has joined the investigation

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and is neither required for further investigation nor for any custodial interrogation.

5. Keeping in view the above submissions made by learned State counsel and the fact that the petitioner had joined the investigation consequent to the order dated 24.05.2024 passed by this Court, interim bail granted vide order dated 24.05.2024 is hereby confirmed, subject to conditions as envisaged under Section 438(2) Cr.P.C. Further the petitioner is directed to join investigation as and when required in future by way of written notice for such purpose to be served by Investigating Officer of this case upon the petitioner; he will not tamper with the evidence nor will influence the witnesses and will not leave the country without prior permission of the Court.

6. The petition stands allowed.

7. It is further made clear that in case the petitioner is found involved in any case under the NDPS Act, after his release on bail, it will be open for the prosecution to move an application for cancellation of his bail in accordance with the law and that anything contained hereinabove shall not be construed to be an expression of opinion on the merits of the case.

20.08.2024
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(SANJIV BERRY)
JUDGE

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |