

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

GURJANT SINGH @ JANTA **...PETITIONER**

STATE OF PUNJAB ... RESPONDENT

Present: Mr. Jashandeep Sandhu, Advocate for the petitioner(s).

1. The jurisdiction of this Court has been invoked under Section 438 of Cr.P.C., for grant of anticipatory bail in case FIR No.78 dated 12.06.2015 registered under Sections 22 of The Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Dayalpura, District Bathinda.

2. Learned counsel for the petitioner submits that the FIR in question was registered on 12.06.2015 under Section 22 of the NDPS Act and it is only on information provided by Head Constable Jaswinder Singh, the present petitioner and co-accused Gurpreet Singh @ Bogh were nominated as accused.

4. On the asking of Court, learned State Counsel appearing on advance notice, accepts notice on behalf of respondent-State and on instructions opposes the prayer for grant of bail. He has argued that on



the basis of secret information, a nana was laid and the main accused Kuldeep Singh @ Nikka was apprehended at the spot whereas two other persons fled away from the spot. Since then no action was taken by the investigating agency so far.

5. Learned counsel for the petitioner submits that The other co-accused-Gurpreet Singh @ Bogh who is alleged to have fled away from the spot along with the present petitioner stands acquitted by the Trial Court vide judgment of acquittal dated 19.11.2018 primarily relying upon the cross-examination of PW-2-HC Jaswinder Singh who named the present petitioner and Gurpreet Singh @ Bogh.

6. Learned State Counsel on the other hand submits that it was on the secret information that the raiding party apprehended the co-accused-Kuldeep Singh @ Nikka but the present petitioner along with Gurpreet Singh @ Bogh fled away from the spot and his custodial interrogation is required to reach to the evidence wherein contraband of 250 grams of intoxicating powder was recovered to track the source from which it is supplied to be revealed.

7. Be that as it may, having regard to the fact that PW-2-HC Jaswinder Singh has deposed in cross examination before the Trial Court as under :-

'PW-2 HC Jaswinder Singh has admitted in his cross-examination that both the accused were not known to him privately. No contraband was recovered from Gurpreet Singh @ Bogh and Gurjant Singh and no contraband was visible detected with; no such accused before them fled away; accused are not related to each other.'



8. Apart from that, another prosecution witness PW-1-ASI Buta Singh has also admitted that no recovery is effected from the co-accused Gurpreet Singh @ Bogh who was acquitted by the Trial Court primarily on the ground that PW-2 HC Jaswinder Singh has denied the fact that no such accused fled away and no contraband was visible or detected to be in the possession of Gurpreet Singh @ Bogh and Gurjant Singh-present petitioner.

9. Having regard to the aforesaid facts, this Court is of the considered view that custodial interrogation of the petition is not required wherein there is delay in initiating action on the part of the prosecution that is nine years after registration of the FIR which has not been explained during the course of hearing. Hence, this Court finds no reason to deny the petitioner the concession of bail if, the petitioner has bona fide intentions and is willing to join the investigation and cooperate for furtherance of the same so that the final report can be submitted by the Investigating Agency in time.

10. Hence, in view of the admitted set of circumstances before this Court, the petitioner is directed to be released on anticipatory bail subject to his joining investigation and reporting to the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the terms and conditions as envisaged under Section 438(2) of Cr.P.C.



11. However, it is made clear that in case the petitioner does not comply with the aforesaid direction of joining the investigation within one week, the order passed by this Court today shall automatically stands cancelled.

12. The petition in the aforesaid terms stands disposed off.

(SANDEEP MOUDGIL)
JUDGE

12.06.2024

anuradha

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>