



214 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-29841-2024
Date of decision: 8th July, 2024

Amrik Singh @ Kala

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. J.S. Sandhu, Advocate for the petitioner.
Mr. A.S. Samra, AAG, Punjab.

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 438 of Cr.P.C.
seeking anticipatory bail in the FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
19	09.04.2024	Cantt Bathinda, District Bathinda	21(A) of NDPS Act, 1985 and Section 52 of Prisons Act, 1894

2. Brief facts of the case relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on the basis of complaint received from Jail Superintendent on 08.04.2024 alleging therein that on the same day, Sukhminder Kaur wife of the present petitioner came along with one Gurtej Singh to meet the petitioner who was already lodged in the jail and to give him clothing. Gurtej Singh deposited the clothing



before the jail authorities and Sukhminder Kaur met the petitioner and when Sukhminder Kaur and Gurtej Singh went back, the clothing so brought by them was checked and three grams of some intoxicating substance was found hidden and stitched in a yellow colour bedsheet so brought by them. This intoxicating substance was found to be heroin. FIR was registered the petitioner and co-accused. The investigation is under way. The petitioner had moved an application for grant of pre-arrest bail, which was dismissed by Special Court, Bathinda vide order dated 18.05.2024.

3. The present petition has been filed by the petitioner on the grounds and it is argued by his counsel that he has been falsely implicated in this case. His wife never provided any contraband to him. A false recovery has been planted. The recovery has not been effected from him even otherwise. His custodial interrogation is not required. He is ready to join the investigation. Therefore, it is argued that he deserves to be extended benefit of bail.

4. *Per contra*, learned State counsel has argued that there are specific and serious allegations against the petitioner. He is a habitual offender who was already in custody in another case bearing FIR No. 5 of 2024 registered under the provisions of NDPS Act. In connivance with himself, his wife and co-accused had made an attempt to deliver three grams of contraband i.e. heroin to him. His custodial interrogation is required for thorough investigation of the matter by the police. Therefore, it is argued that he does not deserve to be extended benefit of bail.

5. The petitioner had been directed to join the investigation vide



order dated 13.06.2024 and the following order was passed:-

“XXX XXX

Meanwhile, the petitioner is directed to appear before the Arresting/Investigating Officer and join the investigation and thereafter also as and when called upon to do so. In the event of arrest, the petitioner shall be released on interim bail subject to furnishing personal bond/surety bond to the satisfaction of Arresting/Investigating Officer. The petitioner shall abide by all the conditions as provided under Section 438 (2) Cr.P.C.”

6. It is submitted by learned State counsel that the petitioner has joined the investigation. It is also very fairly submitted that neither any recovery is to be effected nor his custodial interrogation is required. Keeping in view the facts as discussed above, I am of the considered opinion that the petition deserves to be allowed and the order dated 13.06.2024 granting interim bail to the petitioner is made absolute, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

7. It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

[MANISHA BATRA]
JUDGE

8th July, 2024
Parveen Sharma

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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |