



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-30603 of 2024
DECIDED ON: 19.11.2024

JOGA SINGH
.....PETITIONER

VERSUS

STATE OF PUNJAB
.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIKRAM AGGARWAL.

Present: Mr. Anmol Puri, Advocate
for the petitioner.

Ms. Avneet, A.A.G. Punjab.

VIKRAM AGGARWAL, J (ORAL)

1. Prayer in the present petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail in case FIR No.67 dated 13.05.2024, registered under Section 15 NDPS Act, at Police Station Samana, District Patiala.
2. On 08.07.2024, the following order was passed by a Coordinate Bench of this Court:-

“This petition has been filed under Section 438 of Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.67, dated 13.05.2024, under Section 15 of NDPS Act, 1985 registered at Police Station Samana, District Patiala.

As per the version of prosecution, on 13.05.2024, when ASI Nirmal Singh along with other police officials was present at T-Point Sodhewal in connection with patrolling in search of suspicious elements, a secret informer came to him and informed that Amarjeet Singh, Inder Singh and Joga Singh (present petitioner) and two



unknown persons are openly supplying poppy husk to their customers near Bir at Village Dhanetha and if raid is conducted, then these persons can be apprehended. Finding the said information being reliable, ruqa was sent for registering of the FIR. ASI Nirmal Singh along with the police party raided at the spot and saw the aforesaid persons and two unknown persons were supplying poppy husk, but on seeing the police party, they flew from the spot on their respective motorcycles. ASI Labh Singh, SC Surjeet Singh and SC Sukhwinder Singh followed them but they succeeded in running away. From the spot, four bags containing 15 kg of poppy husk each i.e. total 60 kg of poppy husk was recovered.

Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case. There is nothing on record that how the petitioner was recognized, no such person to whom the petitioner was supplying poppy husk has been found at the spot or joined in the investigation. Even otherwise, he is ready to join investigation.

Learned State counsel has filed short reply by way of affidavit of Sukhdev Singh, PPS, Deputy Superintendent of Police, Headquarters, Patiala, having additional charge of Sub-Division Samana, District Patiala, on behalf of respondent-State of Punjab, in Court today, which is taken on record. It is submitted that the petitioner is involved in three other cases, two under the NDPS Act (FIR No.48, dated 30.04.2012 under Sections 15, 25 of NDPS Act, Police Station Samana, District Patiala and FIR No.78, dated 04.10.2012, under Sections 15, 25 of NDPS Act, Police Station Ghagga, District Patiala) and one under IPC (FIR No.266, dated 08.10.2012, under Sections 224, 380, 427, 201, 120-B of IPC, Police Station Patran, District Patiala. In all these cases, he was convicted. He is a habitual



offender and does not deserve the concession of bail.

Heard.

On asking, learned State counsel submits that after registering of three cases, there is no record that the petitioner is involved in other case except the instant case.

Considering the fact that all the three other cases mentioned in the reply were registered in the year 2012, and the recovery in this case has already been effected, so no purpose would be served with his custodial interrogation. The petitioner is directed to join investigation as and when called by SHO/Investigating Officer and in the event of his arrest, he shall be released on interim bail on his furnishing bail bonds and surety 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) (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 as to dissuade him from disclosing such facts to the Court or to any police officer;*
- (iii) (iii) that the petitioner shall not leave the country without prior permission of the Court concerned.*

Adjourned to 14.11.2024.”

3. Learned counsel for the petitioner submits that in compliance of the order dated 08.07.2024, the petitioner has joined investigation.

4. Learned counsel representing the State of Punjab, on instructions from ASI Nirmal Singh, who is present in the Court submits that in compliance of the order dated 08.07.2024, the petitioner has joined



investigation and his custodial interrogation is not required.

In view of the statement given by learned counsel representing the State of Punjab, the present petition is allowed. The order dated 08.07.2024 passed by this Court is made absolute, subject to compliance of the provisions as envisaged under Section 438(2) Cr.P.C.

November 19, 2024
Rekha

(VIKRAM AGGARWAL)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No