



In The High Court for the States of Punjab and Haryana
At Chandigarh

CRM-M-30928-2024 (O&M)
Date of Decision:- 29.08.2024

Sukhjit Singh @ Sukha Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

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

Mr. Siddharth Atttri, AAG, Punjab,
assisted by ASI Sukhdev Singh.

FIR NO.	DATE	POLICE STATION	OFFENCES
158	14.06.2023	Phillaur, District Jalandhar	15-C of NDPS Act (Section 29 of NDPS Act added later on)

GURVINDER SINGH GILL, J. (Oral)

1. The instant petition has been filed on behalf of the petitioner seeking grant of anticipatory bail in respect of aforementioned FIR.



2. At the time of issuance of interim bail the following order was passed on 05.07.2024:

“The petitioner seeks grant of anticipatory bail in respect of a case registered vide FIR No.158, dated 14.6.2023 at Police Station Phillaur, District Jalandhar under Section 15-C of Narcotic Drugs and Psychotropic Substances Act, 1985, wherein offence under Section 29 of NDPS Act was added later on.

As per the case of prosecution, Parminder Singh @ Pinder and Daljeet Singh @ Jeeta were apprehended by the police while they were travelling in a truck in which 2520 kilograms of ‘poppy husk’ was loaded. While Daljeet Singh @ Jeeta was at the driver seat, Parminder Singh @ Pinder was sitting on the adjoining seat. It is further the case of prosecution that upon interrogation Daljeet Singh @ Jeeta disclosed that he had brought the contraband on the asking of Surinder Singh @ Shinda and had been paid an amount of Rs.50,000/- by said Surinder Singh @ Shinda for the said job and that he had further hired the services of Parminder Singh @ Pinder for which he had paid an amount of Rs.12,000/-.

Pursuant to the aforesaid disclosure statement, Surinder Singh @ Shinda was arrested by the police and pursuant to his disclosure statement, 1 kilogram of ‘heroin’, 9 mm pistol alongwith five live cartridges, 2 empty cartridges, 1 Verna car, 1 Kia car along with Rs.28.4 Lakhs were recovered. It is further the case of prosecution that upon interrogation of aforesaid Surinder Singh @ Shinda, he disclosed that Sukhwinder Singh @ Sukha @ Shivaj @ Sukhjit Singh, Paramjit Singh, Baljit Singh and Tikka Singh used to purchase intoxicant substances from him.



Learned counsel for the petitioner submits that the petitioner is nowhere named in the FIR and came to be nominated falsely on the basis of alleged disclosure statement of one Surinder Singh @ Shinda, who himself had been nominated on the basis of a disclosure statement. Learned counsel for the petitioner submitted that an identically situated co-accused Paramjit Singh, who was also nominated on the basis of disclosure statement, has already been granted anticipatory bail by a Coordinate Bench of this Court vide order dated 6.2.2024 passed in CRM-M-3324-2024 (Annexure P-2) and that in these circumstances, the petitioner also deserves the same concession on grounds of parity.

Notice of motion for 29.8.2024.

Meanwhile, in the event of arrest, the petitioner be released on interim bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.”

3. Learned State counsel has submitted that the petitioner has joined investigation and is not required for any custodial interrogation.
4. In view of the aforestated position wherein the petitioner has joined investigation and he is not stated to be required for any custodial interrogation, the petition is accepted and the interim directions issued by this Court vide order dated 05.07.2024 are hereby made absolute subject to the condition that the petitioner shall join investigation as

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and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

29.08.2024

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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No