



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

210

**CRM-M No.31284 of 2024
Date of decision: 06.09.2024**

RAJ KUMAR

.... Petitioner

Versus

STATE OF PUNJAB

.... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present : Mr. Tarun Singla, Advocate for the petitioner.

Mr. A.S. Samra, A.A.G., Punjab.

MANISHA BATRA, J. (oral)

1. Through the instant petition, filed under Section 438 of Code of Criminal Procedure, 1973, the petitioner seeks anticipatory bail in case FIR No. 76 dated 10.06.2024, registered under Sections 21(b) and 29 (added later on) of the NDPS Act, 1985 at Police Station Civil Lines Bathinda, District Bathinda.

2. Vide order dated 06.08.2024, passed by this Court, the petitioner was released on interim bail and was directed to join investigation. Order dated 06.08.2024, passed by this Court, reads as under:

“Prayer in this petition, filed under Section 438 Cr.P.C., is for grant of anticipatory bail to the petitioner in FIR No. 76 dated 10.06.2024, registered under Sections 21(b) and 29 (added later on) of the NDPS Act, 1985 at Police Station Civil Lines Bathinda, District Bathinda.



Brief facts of the case relevant for the disposal of the present petition are that on 01.04.2024, co-accused Jaswinder Singh @ Soni and Baljinder Singh @ Bunty were apprehended by the police and recovery of 100 grams of heroin was effected from them. The petitioner has been nominated in this case on the basis of the disclosure suffered by co-accused Jaswinder Singh @ Soni, wherein he stated that the recovered contraband was to be supplied to the petitioner. Apprehending his arrest, the petitioner had moved an application for grant of anticipatory bail before the Court of learned Additional Sessions Judge, Bathinda but the same had been dismissed, vide order dated 19.06.2024.

Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case. No recovery of contraband has been effected from him. The petitioner was not found at the spot and has been involved in this case on the basis of the disclosure statement made by the aforesaid co-accused, which is not admissible in law. The provisions of Section 50 of the NDPS Act were not complied by the police party. Co-accused Jaswinder Singh @ Soni has already been granted concession of regular bail by the Court of learned Additional Sessions Judge, Bathinda, vide order dated 31.07.2024. The petitioner is ready to join the investigation. No useful purpose would be served by detaining the petitioner in custody. Therefore, it is urged that the petition deserves to be allowed. To fortify his argument, learned counsel for the petitioner has relied upon the authorities cited as

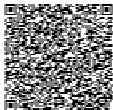


Arif Khan vs. State of Uttarakhand : 2018 (2) RCR (Criminal) 931, Ram Singh @ Ramu @ Ramu Siteka vs. State of Punjab : 2022 (3) RCR (Criminal) 82 and Kamal Kumar vs. State of Punjab : 2022 (2) Bom. C.R. (Cri) 40.

Per contra, learned State counsel, in terms of the status report filed in Court, has argued that though the petitioner has been nominated in this case on the basis of the disclosure suffered by the aforesaid co-accused, however, during investigation, the complicity of the petitioner has been established. As per disclosure statement of the co-accused, the recovered contraband was to be supplied to the petitioner. Custodial interrogation of the petitioner is required for proper investigation in the matter. It is, thus, argued that the petition is liable to be dismissed.

I have learned counsel for the parties at considerable length and have also perused the material placed on record.

As per allegations in the FIR, co-accused Jaswinder Singh @ Soni and Baljinder Singh @ Buntty were apprehended by the police and recovery of 100 grams of heroin was effected from them, which does not fall under the commercial quantity. The petitioner has been nominated in this case as an accused on the disclosure statement suffered by aforesaid co-accused Jaswinder Singh @ Soni. A perusal of the status report does not show that the petitioner is involved in any other case under the NDPS Act. Co-accused Jaswinder Singh @ Soni has been granted concession of regular bail as mentioned above. Keeping in view the aforesaid



facts and circumstances, this Court is of the considered opinion that no useful purpose would be served by detaining the petitioner in custody.

List again on 06.09.2024.

In the meantime, the petitioner is directed to appear before the Investigating/Arresting Officer to join investigation within one week or as and when subsequently require ed thereafter. In the event of his arrest, the Investigating/Arresting Officer shall release the petitioner on ad-interim bail subject to his/her satisfaction. The petitioner shall also abide by the conditions as envisaged under Section 438(2) Cr.P.C.”

3. Learned State counsel, on instructions from the Investigating Officer, has submitted that that the petitioner has joined and he is not required for custodial interrogation.

4. Keeping in view the above mentioned facts and circumstances, without commenting on the merits of the case, the present petition is allowed and the order dated 06.08.2024, 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.

06.09.2024
Jyoti-IV

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned: Yes/No.
Whether reportable : Yes/No