



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.32440 of 2024
Date of decision: 23rd September, 2024

Surjit Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. J.S. Sandhu, Advocate for the petitioner.

Mr. Navdeep Singh, Dy. Advocate General, Punjab
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 438 Cr.P.C. in case FIR No.96 dated 10.08.2023 for the offences under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (Section 29 of NDPS Act added later on) registered at Police Station Nihalsinghwala, District Moga.

2. On the last date of hearing, i.e. 11.07.2024, while noticing the following submissions made by learned counsel for the petitioner, this Court had granted the concession of interim bail to the petitioner and asked him to join investigation.

“Learned counsel inter alia contends that a secret information was received qua the involvement of co-accused Chamkaur Singh in drug trafficking; pursuant thereto, co-accused Chamkaur Singh was apprehended and



recovery of 74 loose tablets of Etizolam was affected from him. It has been vehemently argued by the learned counsel that the petitioner was neither accompanying the co-accused when the alleged recovery was affected nor had he been named in the secret information so received by the police, however, subsequently, he came to be nominated as an accused on the basis of a disclosure statement allegedly suffered by co-accused Chamkaur Singh, who stated that the recovered contraband had been procured by him from the petitioner. It has been further argued by the learned counsel that the disclosure statement, on the basis of which the petitioner has been nominated as an accused, has very poor evidentiary value; it is also a matter of record that the petitioner is not involved in any other criminal case much less under the NDPS Act, which further lends credence to his false implication in the present case.”

3. Learned counsel for the petitioner submits that in compliance of the order dated 11.07.2024, the petitioner has joined investigation and cooperated with the investigating agency.

4. Learned State counsel, on instructions from SI Amarjeet Singh, does not dispute the factum of the petitioner having joined investigation and cooperated with the investigating agency. He, on further instructions submits that the petitioner is not required for further investigation much less for his custodial interrogation.



5. In the circumstances, the petition is allowed and the interim order dated 11.07.2024 is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C./Section 482(2) BNSS. Needless to say, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the bail granted to him.

(MANJARI NEHRU KAUL)
JUDGE

September 23, 2024
rps

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