

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

206

2024:PHHC:148020



CRM-M-35988 of 2024 (O&M)

DECIDED ON: 13th November, 2024

Tinkal Kumar

.....PETITIONER

VERSUS

State of Punjab

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Damanjeet Bhoriwal, Advocate for petitioner.

Mr. Prabhdeep Singh Dhaliwal, AAG, Punjab.

FIR No.	Dated	Police Station	Under Section/s
63	28.06.2024	Maloud, District Khanna	21 and 29 of NDPS Act.

GURVINDER SINGH GILL, J (ORAL)

1. The petitioner seeks grant of anticipatory bail in respect of the
aforementioned FIR.
2. At the time of issuance of notice of motion, the following order
was passed on 29.7.2024:

“The petitioner seeks grant of anticipatory bail in respect of a case registered vide FIR No.63, dated 28.6.2024 at Police Station Maloud, District Khanna, under Sections 21 and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985.

The allegations, in nutshell, are that one Balwinder Singh @ Binder was apprehended by the police, who was found in possession of 5 grams of ‘heroin’. It is further the case of prosecution that during the course of interrogation, said Balwinder Singh @ Binder nominated the petitioner to be his associate.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case solely on the basis of a disclosure statement made by co-accused, which would not carry any evidentiary value in the absence of any other connecting evidence. It has further been submitted that the recovered contraband, in any case, will fall in the category of ‘non-commercial’ quantity.

Notice of motion for 13.11.2024.

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, upon instructions from the Investigating Officer, has informed that pursuant to interim directions issued by this Court on 29.7.2024, the petitioner has since joined investigation and he is not required for any custodial interrogation.
4. Having regard to the aforestated position, wherein the petitioner is stated to have joined investigation and is not required for any custodial interrogation, the petition is accepted and the interim directions issued by this Court vide order dated 29.7.2024 are hereby made absolute, subject to the condition that the petitioner shall join 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.

13th November, 2024

reema

(GURVINDER SINGH GILL)

JUDGE

Whether speaking/reasonedYes

Whether reportableNo