

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

203

CRM-M-38909-2023 (O&M)
Date of decision: 12.01.2024

DALJIT SINGH @ GURIA

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. Barjinder Singh, Advocate for
Mr. Prateek Pandit, Advocate for the petitioner.

Mr. Harpreet Singh, Additional AG Punjab.

SANJIV BERRY. J. (Oral)

By way of present petition filed under Section 438 of the Code of Criminal Procedure, 1973, petitioner seeks anticipatory bail in case FIR (Annexure P-1) as under:

FIR No.	Dated	Sections	Police Station
99	03.07.2022	21(a), 22, 29 of the NDPS Act, 1985	Subhanpur, District Kapurthala

2. Learned counsel for the petitioner has submitted that in compliance to the order dated 09.08.2023 passed by this Court, the petitioner has already joined the investigation and as such interim bail granted to the petitioner may be confirmed.
3. Learned State counsel, on instructions from ASI Sukhchain Singh has intimated that the petitioner has joined investigation and is no more required for any custodial investigation in this case nor he is required for further investigation.
4. Heard.

5. During the course of proceedings on 09.08.2023, the following order was passed:-

“Learned counsel for the petitioner has submitted that the name of the petitioner was nominated on the basis of the disclosure statement of the co-accused and submitted that the petitioner is involved in one more case which is under the Excise Act but no case under the NDPS Act. He further submitted that the allegations against the petitioner were with regard to supply of intoxicant powder to the co-accused, from whom, there was a recovery of 3 grams of Heroin and 250 grams of intoxicant substance, which later was found to be Tramadol, but it does not fall in the category of commercial quantity under the NDPS Act. He also submitted that even otherwise also the co-accused, namely, Kuldeep Singh @ Kulwant @ Kulli on whose disclosure statement the petitioner was nominated and from whom there was an alleged recovery has already admitted on default bail vide Annexure P-2.

Notice of motion.

Mr. Sarabjit Singh Cheema, DAG, Punjab accepts notice on behalf of the respondents and prays for some time to seek instructions and to file affidavit in the present case.

Adjourned to 11.12.2023.

Meanwhile, the petitioner is directed to join the investigation and to co-operate fully with the investigation process and on his doing so, the petitioner be released on interim bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall continue to join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.”

6. Keeping in view the above submissions made by learned State counsel and the fact that the petitioner had joined the investigation consequent to the order dated 09.08.2023 passed by this Court, interim bail granted vide order dated 09.08.2023 is hereby confirmed, subject to conditions as envisaged under Section 438(2) Cr.P.C. Further the petitioner is directed to join investigation as and when required in future by way of written notice for such purpose to be served by Investigating Officer of this case upon the petitioner; he will not tamper with

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the evidence nor will influence the witnesses and will not leave the country without prior permission of the Court.

7. The petition stands allowed.

12.01.2024

S.Sharma(syr)

(SANJIV BERRY)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/ No