

CRM-M-44029-2023
Date of decision: 24.01.2024

....Petitioner

....Respondents

Present:- Mr. Arunjeet Singh Kakkar, Advocate
for the petitioner.

Mr. Sarabjit Singh Cheema, DAG, Punjab.

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SANJIV BERRY, J. (ORAL)

By way of present petition filed under Section 438 Cr.P.C, the petitioner seeks anticipatory bail in case FIR (Annexure P-1) as under: -

FIR No.	Dated	Sections	Police Station
0059	16.04.2023	21 & 22 of NDPS Act and (29 of NDPS Act added later on vide DDR No.37 dated 18.04.2023)	Sadar Faridkot, District Faridkot

2. Learned counsel for the petitioner submits that in compliance to the order dated 04.09.2023, the petitioner has joined the investigation.

3. During the course of hearing on 04.09.2023, following order had been passed: -

'This is a petition filed under Section 438 Cr.P.C. seeking anticipatory bail in case FIR No.0059 dated 16.04.2023, under Sections 21/22/61/85 of NDPS Act (Section 29 of NDPS Act was added vide DDR No.37 dated 18.04.2023), registered at Police Station Sadar Faridkot, District Faridkot .

Learned counsel for the petitioner inter alia submits that the petitioner has been falsely implicated in this case. The petitioner has been nominated in the FIR in question on the basis of disclosure statement of main accused Deepak Singh @ Deepu. The petitioner had been complaining about the said co-accused being involved in selling drugs but no action thereon was taken by the police and subsequently, petitioner recorded a video of said Deepak Singh @ Deepak and posted it on his facebook page, which went viral and resulted in the arrest of co-accused Deepak Singh @ Deepak. Except for the disclosure statement of co-accused Deepak Singh @ Deepak, there is no material to connect the petitioner with the crime. There is no other case against the petitioner and the petitioner is ready and willing to join investigation, and also abide by any stringent conditions that may be imposed by this Court.

Notice of motion, returnable for 22.11.2023.

Mr. Sanish Girdhar, AAG, Punjab, accepts notice on behalf of respondent-State and waives service. He seeks time to file reply/status report.

In the meanwhile, petitioner shall join the investigation and would associate as and when called. In the event of arrest, the petitioner shall be admitted to interim bail on his furnishing personal bond and surety to the satisfaction of Arresting Officer/Investigating Officer. The petitioner shall abide by the conditions specified in Section 438(2) Cr.P.C'

4. Learned State counsel, on instructions from Head Constable Kartar Singh, informs the Court that the petitioner has joined the investigation and is neither required for further investigation nor for any custodial interrogation.

5. 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 04.09.2023 passed by this Court, interim bail granted vide order dated 04.09.2023 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 the evidence nor will influence the witnesses and will not leave the country without prior permission of the Court.

5. The petition stands allowed.

6. It is made clear that anything contained hereinabove shall not be construed to be an expression of opinion on the merits of the case.

24.01.2024
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(SANJIV BERRY)
JUDGE

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |