



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

220

CRM-M-43748-2024

Date of decision: 03.12.2024

Happy Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Parminder Singh Sekhon, Advocate
for the petitioner.

Mr. Navdeep Singh, DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of anticipatory bail under Section 438 of the Cr.P.C. in case FIR No.187 dated 09.09.2022 under Sections 22-C, 27 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act'), registered at Police Station City Budhlada, District Mansa.

2. On 05.09.2024, while noticing the following submissions made by the 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 the police intercepted co-accused Jaspal Singh on suspicion and thereafter, a recovery of 17400 tablets of Alprasafe was allegedly affected from him; during his interrogation, co-accused Jaspal Singh allegedly suffered a disclosure statement wherein he stated that the recovered contraband was meant for sale to the petitioner. It has been argued by the learned counsel for the petitioner that the disclosure statement, on the basis of which he has been arraigned in



CRM-M-43748-2024

the present case, does not have much evidentiary value, coupled with the fact that it is not even the case of the prosecution that there had been any money transaction between the co-accused Jaspal Singh and the petitioner, which could in any manner connect him with the recovered contraband. It has also been asserted by the learned counsel that the petitioner has never been involved in any case under the NDPS Act, which further lends credence to his false implication in the case at hand.”

3. Learned counsel for the petitioner submits that in compliance of order dated 05.09.2024, the petitioner has joined investigation and cooperated with the investigating agency.

4. Learned State counsel, on instructions from SI Sukhjit 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. On a pointed query put to the learned State counsel as to whether the petitioner is involved in any other case under the NDPS Act, he, on instructions has replied in the negative.

6. In view of the above, the petition is allowed and interim order dated 05.09.2024, is made absolute subject to the conditions laid down in Section 482(2) of the BNSS/438(2) of the Cr.P.C.

7. Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

03.12.2024

Vinay

(MANJARI NEHRU KAUL)

JUDGE

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