

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

232

CRM-M-47559-2024 (O&M)
Date of Decision:- 19.11.2024

SAJANDEEP SINGH

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. Kavinder S. Chhibber, Advocate for
Mr. T.V.S. Lehal, Advocate for the petitioner.

Mr. Ankit Grewal, DAG Punjab.

SANJIV BERRY, J. (ORAL)

1. Sh. Jaspal Singh Dhaliwal, Deputy Superintendent of Police, Sub Division Lambi, District Sri Muktsar Sahib is present in Court along with his explanation, which is taken on record. He has tendered unconditional apology, which is accepted.
2. Heard.
3. By way of present petition filed under Section 438 CrPC, petitioner seeks anticipatory bail in case FIR (Annexure P-1) as under:

FIR No.	Dated	Sections	Police Station
160	17.10.2022	18(B) of the NDPS Act, 1985	Kabarwala, District Sri Muktsar Sahib

4. Learned counsel for the petitioner has submitted that in compliance to the order dated 14.10.2024 passed by this Court, the petitioner has appeared in the Court and furnished his requisite bail bonds. He has



placed on record copy of the order dated 21.10.2024, whereby the petitioner has been admitted on interim bail by the learned trial Court.

5. Learned State counsel has not disputed the aforesaid factum.
6. Heard.
7. During the course of proceedings on 14.10.2024, the following order was passed.

“Status report dated 11.10.2024 in the form of an affidavit of Deputy Superintendent of Police, Sub Division Lambi, District Sri Muktsar Sahib, has been filed. The same is taken on record. Copy thereof has been supplied to learned counsel for the petitioner.

2. Heard.

3. It is, inter alia, contended by learned counsel for the petitioner that the petitioner has been falsely implicated in this case on the alleged disclosure statement of accused Kamal Jaswal, who was apprehended by the police along with contraband on the allegations of having given Rs.2,75,000/- for supplying of the contraband. He further contends that a thorough inquiry was conducted in the allegations and it was found that the amount was paid by the petitioner for purchase of mobile phone and was declared innocent by the police at the time when the challan was presented against the co-accused. He submits that the learned trial Court has hastily passed the order under Section 319 Cr.P.C. summoning the petitioner to face trial. He contends that the petitioner is ready to face the trial which is now fixed for 07.11.2024.

4. Learned State counsel, by referring to the reply submitted by the State, has submitted that although the petitioner was found innocent during investigation and the challan was not presented against him but he has been summoned under Section 319 Cr.P.C. by learned trial Court.

5. From the perusal of the affidavit submitted by the State, it transpires that a contradictory stand has been taken by the concerned Deputy Superintendent of Police while submitting the reply for such casual approach adopted by the Gazetted Officer.

6. The concerned Deputy Superintendent of Police to remain present in Court on the next date of hearing



along with his explanation as to why further action be not initiated against him for submitting contradictory version.

7. List on 12.11.2024.

8. In the meanwhile, without commenting on the merits of the case, the petitioner is hereby directed to to appear before the learned Trial Court/Judge on duty on or before 07.11.2024 and in the event of his arrest, he is ordered to be released on interim bail on his furnishing personal/surety bonds to the satisfaction of the concerned trial Court/Judge on duty.”

8. Keeping in view the above submissions made by learned State counsel and the fact that the petitioner has appeared before the trial Court consequent to the order dated 14.10.2024 passed by this Court, interim bail granted vide order dated 14.10.2024 is hereby confirmed, subject to conditions as envisaged under Section 482(2) BNSS.

9. The petition stands allowed.

10. Pending applications, if any, shall also stand disposed of.

(SANJIV BERRY)
JUDGE

19.11.2024
S.Sharma(syr)

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