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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-51317-2023
Date of decision: 10.01.2024

Ranjit Singh ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Harmeet Kaur Chanan, Advocate for the petitioner.

Mr. G.S. Sidhu, AAG, Punjab.

KARAMJIT SINGH, J. (ORAL)

1. The present petition has been filed by the petitioner seeking grant of anticipatory bail in criminal case having FIR No.53 dated 20.04.2020 registered under Section 21 of NDPS Act and Section 25/27 of Arms Act, registered at Police Station Special Task Force, Phase-IV, SAS Nagar, Mohali, wherein offence under Section 29 NDPS Act was added later on.

2. The counsel for the petitioner submits that initially the FIR was registered against Mona Singh, Raj, Amanjit Singh, Gurdeep Singh and Parkash Kaur, under Section 21 of NDPS Act and Section 25/27 of Arms Act. That later on the petitioner was nominated as accused and he was granted anticipatory bail by this Court vide order Annexure P-3 dated 09.07.2020 in CRM-M-17609-2020. That subsequently, police added offence under Section 29 NDPS Act and thus, the petitioner is apprehending

his arrest. The counsel for the petitioner further submits that in view of the judgment of the Hon'ble Supreme Court in Sushila Aggarwal and others Vs. State (NCT of Delhi) and another (2020) 05 SCC 1, the anticipatory bail granted is to continue till the termination of trial and the same can be cancelled only as per the procedure prescribed under Cr.P.C. So prayer is that the petitioner be granted anticipatory bail with regard to offence under Section 29 NDPS Act which was later on added by the police.

3. Status report by way of affidavit of Rajbir Singh, Deputy Superintendent of Police, STF, Ferozepur Range filed on behalf of the State is taken on record.

4. The present petition is resisted by the state counsel who submits that initially FIR was registered under Section 21 NDPS Act and Section 25/27 of Arms Act and on proper investigation offence under Section 29 NDPS Act was added later on. The State counsel on instructions from SI Gurnek Singh has not disputed the fact that earlier before addition of offence under Section 29 NDPS Act, the petitioner was granted anticipatory bail by this Court vide order Annexure P-3.

5. I have considered the submissions made by counsel for the parties.

6. The FIR in this case was registered against Monna Singh, Raj, Amanjit Singh, Gurdeep Singh and Parkash Kaur under Section 21 NDPS Act and Section 25/27 of Arms Act. After the registration of the said FIR, the petitioner was also nominated as accused on the basis of disclosure statement of co-accused Gurdeep Singh. The petitioner was granted anticipatory bail by this Court vide order dated 09.07.2020 Annexure P-3.

Thereafter, offence under Section 29 of NDPS Act was added by the police. As the police has already presented the challan and the petitioner was released on anticipatory bail at the initial stage, no purpose is going to be served by sending the petitioner to police custody at this stage.

7. In light of the above, without expressing any opinion on the merits of the case, the present petition is allowed, subject to the conditions envisaged under Section 438 (2) Cr.P.C.

10.01.2024
Yogesh

(KARAMJIT SINGH)
JUDGE

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