

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

217

CRM-M-50860-2024
Date of decision: 26.11.2024

BALWINDER SINGH ALIAS KULWINDER SINGH
Versus
STATE OF PUNJAB
....Petitioner
...Respondent

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. Ruhani Chadha, Advocate
for the petitioner.

Ms. Seena Sandhu, Additional A.G., Punjab.

SANJIV BERRY. J.(Oral)

By way of present petition filed under Section 482 BNSS, petitioner seeks anticipatory bail in case FIR (Annexure P-1) as under:

FIR No.	Dated	Sections	Police Station
23	25.01.2024	21 and 25 of NDPS Act (27-A and 29 NDPS Act added later on)	Dharamkot, District Moga

2. Learned counsel for the petitioner has submitted that in compliance to the order dated 10.10.2024 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 received from ASI Jaspal 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.



- 2-

4. Heard.

5. During the course of hearing on 10.10.2024, the following order was passed:-

“Apprehending his arrest in FIR No.23 dated 25.01.2024, registered under Sections 21/25 of NDPS Act and Sections 27-A & 29 NDPS (added later on) at Police Station Dharamkot, District Moga, petitioner seeks pre-arrest bail.

Learned counsel for the petitioner inter alia submits that apart from the disclosure made by co-accused Lakhwinder Singh @ Lakhu there is no other evidence against the petitioner. It is not a case of any recovery from the petitioner. He was nominated merely on the basis of disclosure of the co-accused while in police custody which is not admissible in evidence in view of the law laid down by Supreme Court in the case of Tofan Singh Vs. State of Tamil Nadu, (2021) 4 SCC 1. Further submits that co-accused Lakhwinder Singh @ Lakhu already stands admitted to regular bail vide order dated 16.05.2024 passed in CRM-M-16325-2024.

Notice of motion for 26.11.2024.

On the asking of the Court, Mr. Sartaj Singh Gill, Sr. DAG, Punjab appears and accepts notice on behalf of the respondent-State.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to his furnishing personal and surety bonds to the satisfaction of the arresting officer/Investigating Officer. As and when called, the petitioner shall join the investigation. He shall abide by the conditions enumerated under Section 482 (2) BNSS. ”

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 10.10.2024 passed by this Court, interim bail granted vide order dated 10.10.2024 is hereby confirmed, subject to conditions as envisaged under Section 482(2) BNSS. 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.

7. The petition stands allowed.

26.11.2024		(SANJIV BERRY)
amandeep		JUDGE
	Whether speaking/reasoned.	: Yes/No
	Whether Reportable.	: Yes/No