

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.57288 of 2023

Date of decision: 7th May, 2024

Lakhwinder Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. N.S. Sodhi & Mr. Sandeep Singh,
Advocates for the petitioner.

Mr. Navdeep Singh, Dy. Advocate General, Punjab
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 438 Cr.P.C. in case FIR No.63 dated 30.04.2023 for the offences under Sections 21/61/85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Sadar Ferozepur, District Ferozepur.

2. On the last date of hearing, i.e. 07.02.2024, this Court had granted the concession of interim bail to the petitioner and asked him to join investigation.

3. Learned counsel for the petitioner submits that in compliance of the order dated 07.02.2024, the petitioner has joined investigation and cooperated with the investigating agency.

4. Learned State counsel, on instructions from ASI Baldev Raj, has not disputed the factum of the petitioner having joined investigation. However, he submits that recovery of one mobile phone has not yet been affected from the petitioner. It has been submitted that prior to registration of the instant FIR, one more FIR under the NDPS Act had been lodged against the petitioner.

5. Learned counsel for the petitioner has yet again vehemently controverted the submissions made by the learned State counsel; he submits that the petitioner has fully cooperated with the Investigating Agency, which is evident from the fact that when he was granted the concession of interim bail by the learned trial Court, the Investigating Officer had categorically stated that the petitioner had joined investigation and cooperated with the Investigating Agency, hence, his custodial interrogation was not required. Learned counsel submits that while giving his statement before the trial Court, the Investigating Officer had not, on the said date, made any mention qua the registration of any other case under the NDPS Act against the petitioner. It has been submitted that it is highly improbable and unbelievable that the Investigating Officer would have been unaware about the registration of any other FIR against the petitioner as the other case was registered just one day prior to the present one i.e. on 29.04.2023 and in the very same Police Station. Learned counsel has asserted that it is, on the face of it, a case of false implication and the petitioner has been arraigned

on the basis of a disclosure statement allegedly suffered by co-accused Peepal Singh, from whom recovery of 10 grams of Heroin was affected; the evidentiary value of such disclosure statement is of a very weak nature.

6. I have heard learned counsel for the parties and perused the relevant material on record.

7. Since the petitioner has joined investigation in compliance of the directions of this Court, the petition is allowed and the interim order dated 07.02.2024 is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C. Needless to say, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the bail granted to him.

(MANJARI NEHRU KAUL)
JUDGE

May 7, 2024
rps

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