

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

101 CRM-M-57614-2023
Date of Decision : January 30, 2024

PRINCE SINGH -Petitioner

V/S

STATE OF PUNJAB -Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Neeraj Jain, Advocate
for the petitioner.

Mr. Jashandeep Singh, A.A.G., Punjab.

KULDEEP TIWARI, J. (ORAL)

1. On 16.11.2023, a Co-ordinate Bench of this Court had passed
the hereinafter extracted order, upon the instant petition:-

“Prayer in the present petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail in case FIR No.69 dated 25.09.2023 under Section 21 of NDPS Act, 1985, registered at Police Station City Raikot, District Ludhiana Rural.

Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in the present case. Petitioner has been nominated as an accused on the disclosure statement of co-accused Bittu Kumar @ Bittu who was apprehended at the spot and recovery of 10 grams Heroin is alleged to have been effected from him. It is submitted that as per prosecution version in the FIR, petitioner is alleged to have fled from the spot. It is pleaded that no other case under NDPS Act is pending against the petitioner before any Court. Petitioner is ready to join the investigation and cooperate with the Investigating Agency.

Notice of motion.

Mr. Jashandeep Singh AAG, Punjab, accepts notice on

behalf of the respondent-State and waives service. Learned State counsel on instructions from ASI Harpreet Singh submits that petitioner stands convicted for an offence under the Excise Act in another FIR. He seeks time to file reply/status report.

List on 17.01.2024.

In the meanwhile, petitioner shall join the investigation and would associate as and when called. In the event of arrest, the petitioner shall be admitted to interim bail on his furnishing personal bond and surety to the satisfaction of Arresting Officer/Investigating Officer. The petitioner shall abide by the conditions specified in Section 438(2) Cr.P.C.”

2. The status report dated 20.01.2024, as filed by the learned State counsel, makes revelations that the alleged contraband was recovered from the co-accused Bittu Kumar @ Bittu, whereas, the petitioner had fled away from the spot. What further erupts from the status report (supra), is that, though the petitioner is involved in two other cases under the Excise Act, however, he is not involved in any other case under the N.D.P.S Act.

3. Moreover, today, the learned State counsel, on instructions imparted to him by A.S.I. Harpreet Singh, has stated that pursuant to the making of the hereinabove extracted order, the petitioner had joined investigation and he is no longer required for custodial interrogation.

4. In view of the above, especially the fact that the petitioner is not involved in any other case under the N.D.P.S. Act, the hereinabove extracted interim order dated 16.11.2023, as made by a Co-ordinate Bench of this Court, is hereby made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.

5. This order should not be treated as “blanket” order. It will not

be read granting petitioner indefinite protection from arrest. It shall be confined to the FIR mentioned *ibid* and will not operate in respect of any other incident that involves commission of an offence.

6. Liberty is reserved in favour of State/complainant to move an appropriate application for cancellation/recall of this order, in case the petitioner violates any of the conditions, as stipulated in Section 438(2) Cr.P.C., 1973, or, upon showing any other sufficient cause.

7. Needless to say that anything observed hereinabove shall not be construed to be an opinion on the merits of the case.

January 30, 2024
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(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No