

Date of Decision: 07.02.2024

...Petitioner

V/S

...Respondent

Mr. Subhash Godara, Addl. AG Punjab.

2. On 07.12.2023, following order was passed:

“This is a petition filed under Section 438 Cr.P.C seeking anticipatory bail in case FIR No.50 dated 28.09.2023, under Sections 21 and 29 of NDPS Act, registered at Police Station Cheema, District Sangrur.

Learned counsel for the petitioner has argued that the petitioner is innocent and has been falsely implicated in this case. It is submitted that the name of the petitioner has surfaced in the disclosure statement of co-accused Harjinder Singh @ Kalu @ Anda, who was apprehended at the spot with conscious possession of 10 grams of chitta (heroin). It is submitted that other than the disclosure statement, there is no other material against the petitioner to connect him with the commission of offence. The petitioner is being implicated in the present case on account of his involvement in other cases under the NDPS Act, in which he is out on bail. In two of the said cases, he has been nominated on the basis of disclosure statement in a similar manner. Learned counsel for the petitioner submits that the petitioner is ready to join investigation and cooperate with the

investigating agency.

Notice of motion.

Mr. Sanish Girdhar, AAG, Punjab, accepts notice on behalf of respondent-State and waives service. Learned State counsel on instructions from ASI Rajinder Singh, P.S. Cheema, submits that the investigation is at the initial stage. Learned State counsel seeks time to file reply/status report.

List on 07.02.2024.

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 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.”

3. Learned State counsel on instructions from ASI Ajaib Singh Singh, submits that in compliance of order dated 07.12.2023 passed by this Court, the petitioner has joined the investigation and is not required for further custodial interrogation.
4. Keeping in view the statement made by learned State Counsel the order dated 07.12.2023, is made absolute. The petitioner shall abide by the terms and conditions enumerated in Section 438(2) of Cr.P.C.
5. The petition is accordingly allowed.

07.02.2024
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No