

**CRM-M-65098-2023****1****IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH****CRM-M-65098-2023****Date of decision : May 08, 2024**

DAVINDER RANA ALIAS RAVINDER ALIAS TONY

....Petitioner

VERSUS

STATE OF PUNJAB

....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. AS Khosa, Advocate, for the petitioner
Mr. Akshay Kumar, AAG, Punjab

KULDEEP TIWARI, J. (ORAL)

1. On 25.1.2024, the following order was passed by this
Court:-

“Through the instant petition, under Section 438 Cr.P.C., prayer is made for grant of anticipatory bail to the petitioner in case FIR No.455, dated 1.12.2023, under Section 21 of the NDPS Act, 1985 and under Section 42 of the Prisons Act, 1894 (Section 29 of the NDPS Act, 1985 and Section 52 of the Prison Act, 1894 added later on), registered at Police Station City Hoshiarpur, District Hoshiarpur.

Short reply by way of affidavit dated 25.01.2024 of Sh. Palwinder Singh, PPS, Deputy Superintendent

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of Police, Sub Division City, District Hoshiarpur has been filed on behalf of respondent-State, which is taken on record. A copy of the same is also supplied to the opposite counsel.

A perusal of the status report reveals that the petitioner was the person who had, at the instance of Mandeep Singh @ Manna, who is imprisoned in Central Jail Hoshiarpur, supplied 112 grams of Heroin to one Amandeep Singh, who was on parole.

In the confessional statement of Amandeep Singh, the name of the present petitioner had surfaced as the person, who had supplied him 112 grams of heroin. A further perusal of the status report reveals that the mobile phone, as recovered from Mandeep Singh @ Manna, revealed existence of virtual conversation taking place inter se him and the present petitioner, while being in jail.

Learned counsel for the petitioner submits that except the disclosure statement of co-accused Amandeep Singh, which is indeed his confessional statement, there is no other legal evidence to connect the present petitioner with the alleged crime. Learned counsel for the petitioner further submits that apart from the alleged crime, the petitioner is not involved in any other criminal case. Considering the above facts as submitted by the learned counsel for the petitioner, as well as, the fact that the recovered contraband falls within the category of non-commercial quantity, and, the



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petitioner is not involved in any other criminal case, this Court deems it appropriate to direct the petitioner to join the investigation and to appear before the investigating agency, as and when called upon to do so. In the event of his arrest, he shall be admitted to interim bail on his furnishing bail bond to the satisfaction of the Arresting/Investigating Officer. The petitioner shall abide by the terms and conditions as envisaged under Section 438(2) Cr.P.C.

Adjourned to 18.04.2024.”

2. Today, the learned State counsel on instructions imparted to him by ASI Kuldeep Raj, submits that the petitioner has already joined the investigation and he is fully co-operating with the investigation process and he is not required for any further custodial investigation.

3. In view of the specific stand taken by the learned State counsel, the present petition is **allowed** and order dated 25.1.2024 is, hereby, made absolute subject to the condition that the petitioner shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

May 08, 2024

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(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned ?
Whether Reportable ?

Yes/No
Yes/No