

103 CRM-M-28361-2023

DAVINDER SINGH VS STATE OF PUNJAB

Present: Mr.Maninder Singh Saini, Advocate
for the petitioner.

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Instant petition has been filed under Section 438 Cr.P.C. praying for grant of anticipatory bail to the petitioner in case FIR No.96, dated 03.05.2023, under Section 18 of the Narcotics Drugs and Psychotropic Substances Act, 1985 (for short,'the NDPS Act'), registered at Police Station Samrala, District Ludhiana, Punjab.

It has been contended by counsel for the petitioner that petitioner has been falsely implicated in this case on the basis of disclosure of the co-accused, namely, Amritpal Singh, from whom 2.6 kg opium was recovered. However, as per case of the prosecution, he made a disclosure statement that one Kapil belonging to Jharkhand had supplied the opium to him and one kilogram to the present petitioner. He submits that disclosure made by co-accused is not admissible evidence. He further submits that petitioner has no criminal antecedents and even otherwise the allegations made are regarding one kg of opium, which would not attract the provisions of Section 37 of the NDPS Act. It is further submitted that in view of the aforementioned facts, no case for custodial interrogation is made out, however, he is ready to join the investigation and abide by all the terms and conditions of the anticipatory bail if this Court considers his request for granting the same.

Issue notice of motion.

On asking of the Court, Mr.Sandeep Kumar, DAG, Punjab, who is present in Court, accepts notice on behalf of the respondent-State.

Adjourned to 14.09.2023.

In the meanwhile, in the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting Officer/Investigating Officer. The petitioner shall join investigation before the Investigating Agency/Officer. He shall abide by the following conditions as envisaged under Section 438(2) Cr.P.C.:-

“(i) That the petitioner shall make himself available for interrogation by a police officer as and when required to do so;

(ii) That the petitioner shall not directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) That the petitioner shall not leave India without prior permission of the Court.”

State is directed to file status report on or before the next date of hearing.

June 01, 2023
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(**RAJESH BHARDWAJ**)
JUDGE