

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**Criminal Misc. No. M-21237 of 2015
Date of Decision: 10.8.2015**

Dalwinder Singh

--Petitioner.

Vs.

State of Punjab

--Respondents.

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present : Mr. Harsh Aggarwal, Advocate
for the petitioner.

Mr. K.D.Sachdeva, Additional A.G. Punjab.

RAMESHWAR SINGH MALIK J. (ORAL)

Petitioner seeks pre-arrest bail in FIR No.34 dated 28.4.2015 under Sections 21/22/61/85 NDPS Act, registered at Police Station Ghuman, District Gurdaspur.

Notice of motion was issued and interim protection was granted.

Learned counsel for the petitioner submits that in compliance of the order dated 3.7.2015 passed by this Court, petitioner has joined the investigation and he is no more required for the purpose of any further investigation. He further submits that neither the particulars of any private or government vehicle are mentioned, nor particulars of the scooter of the petitioners are mentioned, which prima facie shows that petitioner has been falsely implicated in the present case. He also submits that distance between the police station and place of occurrence was about 3 Kms and police was not having any secret information. He prays for allowing the present petition.

On the other hand, learned counsel for the State, on instructions from ASI Kuldeep Singh, submits that about 1,000 intoxicant capsules were recovered from the petitioner, besides parcels containing 150 gms of powder. He prays for dismissal of the present petition.

Having heard the learned counsel for the parties, after careful perusal of the record of the case and giving thoughtful consideration to the rival contentions raised, this Court is of the considered opinion that in the given fact situation of the present case, petitioner has been found entitled for the concession of anticipatory bail. It is so said, because the petitioner has not been found involved in any other case under the NDPS Act. Particulars of any private or government vehicle as well as that of scooter of the petitioner are conspicuously missing. It is also not disputed that police party was not having any prior information about the petitioner.

In view of the above and without commenting any further on the merits of the case, lest it should prejudice the rights of either of the parties, instant petition is allowed and order dated 3.7.2015 passed by this Court is hereby made absolute, however, subject to the conditions envisaged under Section 438 (2) Cr.P.C.

Disposed of, accordingly.

(RAMESHWAR SINGH MALIK)
JUDGE

10.8.2015
Ak Sharma