

CRM-M No.21246 of 2016

Date of decision: August 12, 2016

Pargat Singh

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Arshdeep S. Brar, Advocate  
for the petitioner.Mr. J.S. Sekhon, AAG, Punjab  
for the respondent-State.**JASPAL SINGH, J.(ORAL)**

Instant petition preferred under Section 438 of Code of Criminal Procedure by petitioner-Pargat Singh for grant of pre-arrest bail, feeling apprehension of his arrest, in case bearing FIR No.71 dated 31.08.2013, under Sections 21 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'Act') registered at Police Station Mehna.

It is an undisputed fact that the petitioner was not arrested at the spot, however, report under Section 173(2) Cr.P.C. was presented against the co-accused, namely, Gurjant Singh. He has been tried for the commission of offence under Section 21 of the Act, 1985. Consequently, he has been acquitted by the Judge Special Court, Moga vide judgment dated 29<sup>th</sup> March, 2016 in view of the fact that no narcotic drugs and psychotropic substance was recovered from the petitioner and further that his co-accused has already been acquitted on the charges. This Court deems it a fit case to exercise the discretion envisaged under Section 438 of the Code of Criminal Procedure.

Taking into consideration all the above-mentioned aspects of the case, petition is allowed and petitioner is ordered to be released on bail on his furnishing requisite bonds at the satisfaction of the concerned Chief Judicial Magistrate/Duty Magistrate.

August 12, 2016  
*m. sharma*

(JASPAL SINGH)  
JUDGE

|                           |        |
|---------------------------|--------|
| Whether Speaking/Reasoned | Yes/No |
| Whether Reportable        | Yes/No |