

CRM-M No.30612 of 2016 (O&M)

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

CRM-M No.30612 of 2016 (O&M)

Date of decision : 08.09.2016

Amit

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. R.S.Malhotra, Advocate for the petitioner.

Ms. Amarjit Kaur Khurana, Addl. AG, Punjab.

AJAY TEWARI, J. (Oral)

This is a petition for grant of anticipatory bail to the petitioner under Section 438 Cr.P.C. in case FIR No.64, dated 23.04.2016 registered under Sections 27/61/85 of NDPS Act at Police Station Division No.5, Jalandhar, District Jalandhar.

In this case two persons were arrested who were allegedly consuming heroin that they had been supplied heroin and smack by the petitioner. Learned counsel for the petitioner states that the antecedents of the petitioner are absolutely clean and is willing to join investigation. He has further argued that as a matter of fact no case under the NDPS is made out even against those persons who have been arrested because only paper and matchbox were recovered from them.

Learned Additional Advocate General on instructions from ASI Malkeet Singh has accepted these facts but denied the assertion that no case is made out.

In these circumstances, I do not deem it appropriate to deny anticipatory bail to the petitioner. Resultantly, the petition is allowed. In the event of arrest of the petitioner, he shall be released on bail to the satisfaction of the Investigating Officer subject to the conditions envisaged under Section 438(2) Cr.P.C. The petitioner is directed to appear before the investigating officer on 21.09.2016 and on any other date as and when his presence is required. On his appearance the I.O. shall release him on bail to his satisfaction subject to the conditions envisaged under Section 438 (2) Cr.P.C.

Since the main case has been decided, the pending criminal miscellaneous application, if any, also stands disposed of.

08.09.2016

Pooja sharma-I

**(AJAY TEWARI)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No