

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

CRM-M No.40127 of 2015

Decided on: 08.01.2016

AMARDEEP SINGH

. . . Petitioner

Versus

STATE OF PUNJAB

. . . Respondent

AND

CRM-M No.42555 of 2015

Decided on: 08.01.2016

DISHA @ BUDHU

. . . Petitioner

Versus

STATE OF PUNJAB

. . . Respondent

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present: Mr. D.P.S. Randhawa, Advocate
for the petitioner (in CRM-M No.40127 of 2015).

Mr. S.P.S. Aulakh, Advocate
for the petitioner (in CRM-M No.42555 of 2015).

Ms. Manpreet Dhaliwal, Asstt. A.G., Punjab.

TEJINDER SINGH DHINDSA, J. (Oral)

This order shall dispose of two petitions i.e. CRM-M No.40127 of 2015 (Amardeep Singh Vs. State of Punjab) and CRM-M No.42555 of 2015 Disha @ Budhu Vs. State of Punjab) as both these petitions have been filed under Section 438 Cr.P.C

seeking the concession of pre-arrest bail to the petitioners in case F.I.R. No.83 dated 02.05.2015, under Sections 21, 22, 25, 29, 61, 85, of Narcotic Drugs and Psychotropic Substances Act, 1985 and under Sections 420, 467, 468, 471, 472, 120-B IPC, registered at Police Station, City Jagraon, District Ludhiana.

Counsel for the parties have been heard.

As per prosecution version, FIR was registered on the basis of secret information that one Surinder Singh son of Darshan Singh, who was lodged in Amritsar Central Jail was indulging in smuggling of heroin. Further information was received that afore noticed Surinder Singh was residing in Kothi No.B-3/481, Street No.1, City Enclave-II, Jagraon and such premises were being used for supply of heroin. Based on secret information, a raid is stated to have been conducted on the above noticed Kothi and four persons namely; Mandeep Singh @ Naterpal Singh, Kartar Singh, Krishan @ Lavpreet Singh and Narinder Singh @ Ravi were apprehended and heroin was recovered from their possession.

Insofar as the present petitioners are concerned, they were neither found at the spot at the time of conducting raid and as such, no recovery has been effected from them.

Learned State counsel has not been able to advert any admissible evidence that may be available with the investigating agency to implicate the present petitioners in the present case.

Under such circumstances, the petitioners are entitled to ad-interim protection as regards their arrest.

Both the petitions are allowed.

The petitioners are directed to appear before the Investigating Officer on 18.01.2016 and to join investigation.

In the event of their arrest, by the Arresting Officer/Investigating Officer, they shall be released on interim bail subject to the following conditions as envisaged under Section 438(2) Cr.P.C.:-

1. That they shall make himself available for interrogation by a police officer as and when required;
2. That they 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 and;
3. That they shall not leave India without prior permission of the Court.

Petitions stand disposed of.

[TEJINDER SINGH DHINDSA]
JUDGE

08.01.2016
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