

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

CRM No.M-41864 of 2016 (O&M)

Date of decision: December 1, 2016

Amarjeet Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Gurpal Singh Sandhu, Advocate
for the petitioner.

Mr. P.S. Grewal, DAG, Punjab.

INDERJIT SINGH, J.

Petitioner-Amarjeet Singh has filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.92 dated 03.10.2016, registered at Police Station Mamdot, District Ferozepur, under Sections 15, 25 and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985.

Notice of motion was issued in this case.

Learned State counsel has appeared on behalf of the respondent-State and contested this petition.

I have heard learned counsel for the petitioner as well as learned State counsel and have gone through the record.

From the record, I find that the present FIR was lodged against the present petitioner and other accused on the basis of secret information. Thereafter, a raid was conducted and only one accused namely Subeg Singh was apprehended on the spot along with 4 bags of poppy husk containing

40 kg each. It is in the FIR that three persons ran away from the spot. There is nothing in the FIR that any body identified any of the person, who ran away from the spot. There is also no description in the FIR of the person who ran away from the spot. There is also nothing on the record till now that anybody identified those three persons, who ran away from the spot. Even there is nothing in the FIR that Subeg Singh disclosed the fact that the persons who ran away are the co-accused including the present petitioner.

Keeping in view the facts and circumstances of the present case; without discussing the facts of the case in minute details and without expressing any opinion on the merits of the case, I find merit in this petition and it is a fit case where the petitioner is entitled for anticipatory. Accordingly, the instant petition is allowed and in the event of arrest, the petitioner be released on bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.

December 1, 2016

rajesh.k.khurana

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned	:	Yes
Whether Reportable	:	No