

CRM-M-23028-2017

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

CRM-M-23028-2017

Date of Decision: 07.10.2017

Jagraj Singh @ Raju

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. D.S.Malwai, Advocate,
for the petitioner.

Mr. K.S.Aulakh, AAG, Punjab.

INDERJIT SINGH, J.

Petitioner-Jagraj Singh @ Raju has filed this petition under Section 438 of the Code of Criminal Procedure, 1973 (for brevity, 'Cr.P.C.') for grant of anticipatory bail in case FIR No.28 dated 10.05.2017, registered at Police Station Sehna, District Barnala, under Sections 15 and 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

Notice of motion was issued in this case. Learned State counsel has put in appearance 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.

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From the record, I find that in the present case, FIR has been registered against co-accused namely Devender Dass @ Bindi and Bahadur Singh on the basis of secret information. However, the petitioner is not named in the FIR. As per the allegations of prosecution, two neighbours of the present petitioner were found in his house and he was not present there. The recovery of intoxicant tablets etc. has been effected from the envelope/paper bag carried by the co-accused. The present petitioner is nominated on the statement of co-accused.

In pursuance of the interim order dated 03.07.2017, the petitioner has already joined the investigation. Recovery has already been effected from co-accused. The petitioner is merely owner of the house. It is still debatable as to whether house belongs to the petitioner and whether the owner of the house can also be treated as liable for the recovery from the co-accused.

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 that it is a fit case where the petitioner is entitled to the benefit of anticipatory bail and no useful purpose will be served by sending the petitioner to custody. Therefore, finding merit in the present petition, the same is allowed and the order dated 03.07.2017, granting interim bail to the petitioner, is made absolute. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions of Section 438 (2) Cr.P.C.

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However, it is made clear that whatever observations given above are only for the purpose of deciding this petition and the same do not construe my opinion on the merits of the case.

07.10.2017
parveen kumar

(INDERJIT SINGH)
JUDGE

Note:	Whether speaking/reasoned	:	Yes
	Whether reportable	:	No