

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

**Crl. Misc. No.M-24760 of 2017 (O&M)
Date of Decision: September 21, 2017**

Beant Singh and another

.....PETITIONER(s).

VERSUS

State of Punjab

....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. H.P.S.Ghuman, Advocate
for the petitioner (s).

Mr. Luvinder Sofat, A.A.G. Punjab.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 438 Code of Criminal Procedure for grant of anticipatory bail to the petitioners in case FIR No. 0053 dated 11.06.2017 registered for the offences punishable under Sections 22, 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Bhadson, District Patiala.

Heard.

Amrik Singh was arrested by the police with contraband which included various drugs. The allegations against the petitioner No. 2 Gurwinder Singh is that he had escaped from the spot after leaving the motor cycle on which he was travelling with his father-Amrik Singh.

The allegations against petitioner No.1-Beant Singh is that he had been procuring contraband and giving the same to his father and brother

for sale.

Beant Singh was not even present at the spot when the recovery was effected. Even after his joining the investigation nothing has been recovered by the police regarding allegations contained in secret information on the basis of which this FIR was registered. Identity of Gurvinder Singh as a person who allegedly ran away from the spot is a point which call for proof during trial.

Keeping in view the above fact but without expressing any opinion on the merits of the case, this petition is allowed and the order dated 14.07.2017 is made absolute till the presentation of challan, subject to the following terms:-

- (i) that the petitioners shall make themselves available for interrogation by the police as and when required;
- (ii) that the petitioners shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the accusation against them so as to dissuade him from disclosing such facts to the Court or to any police officer;
- (iii) that the petitioners shall not leave India without the prior permission of the Court.
- (iv) that the petitioners will seek regular bail on the presentation of challan in Court, which the trial Court will decide on the basis of evidence collected during investigation.

September 21, 2017
Jyoti-II

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned: ***Yes/No***

Whether Reportable: ***Yes/No***