

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

CRM-M-19197-2018 (O&M)

Date of Decision:-10.8.2018

Malkeet Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Vinod K. Kaushal, Advocate for the petitioner.

Mr. A.S. Sandhu, Additional Advocate General, Punjab.

GURVINDER SINGH GILL, J. (Oral)

By way of filing this petition, the petitioner seeks grant of anticipatory bail in respect of a case registered against him vide FIR No.7 dated 7.2.2018 under Sections 21, 29, 25, 61 and 85 of Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Sarai Amanat Khan, District Tarn Taran.

The FIR was lodged on the basis of secret information received by the police to the effect that Pardeep Singh, Supandeep Singh and Malkeet Singh are into business of selling 'heroin' and that they were proceeding on their motorcycles to supply 'heroin' to some customer from village Lahiyan to village Cheema Kalan/Cheema Khurd. Upon receipt of aforesaid information, barricades were raised and two of the aforesaid named persons i.e. Pardeep Singh and Supandeep Singh were apprehended and 255 grams

of 'heroin' was recovered from their possession. The present petitioner was not accompanying the aforesaid two persons.

During interrogation of the accused, apart from naming the present petitioner as a co-accused, the said persons also named one Manjinder Singh son of Nank Singh as their associate.

Notice of the present petition was issued to the State vide order dated 10.5.2018 and the petitioner was granted interim bail and had also been directed to join investigation.

The learned State counsel upon instructions from ASI Balwinder Singh, who is present in Court, has informed that the petitioner has since joined investigation and is no longer required for any further investigation at this stage.

The learned State counsel has informed that the petitioner is involved in one more case under NDPS Act and that since there was categoric secret information against the present petitioner, which has been confirmed in the statement of the co-accused, recorded during interrogation, no case is made out for grant of anticipatory bail to the petitioner.

Having heard the learned counsel for the petitioner and also the learned State counsel, I find that it was only two persons i.e. co-accused Pardeep Singh and Supandeep Singh, who were seen at the spot and apprehended by the police. Although the present petitioner is named in the FIR based on secret information but in view of the fact that he was not apprehended or found in possession of any contraband, in my opinion it is a fit case for grant of anticipatory bail to the petitioner.

In view of the aforestated position, the present petition is accepted and interim directions issued by this Court vide order dated

10.5.2018 are hereby made absolute subject to the condition that the petitioner shall appear before the Investigating Officer as and when directed.

The present petition stands disposed of accordingly.

10.8.2018

pankaj

(Gurvinder Singh Gill)

Judge

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No