

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

**Criminal Misc.No.M-22817 of 2017 (O&M)
Date of Decision : 06.02.2018**

Harpal Singh alias Happy

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present : Mr. D.S.Pheruman, Advocate
for the petitioners.

Mr. V.G.Jauhar, Senior DAG, Punjab

RAJ SHEKHAR ATTRI, J. (Oral)
Criminal Misc.No.32185 of 2017

This is an application for permission to add the offence under Section 29 of the Narcotic Drugs & Psychotropic Substances Act, 1985 in the head-note of the petition as the same has been added in the police file.

Heard.

The application is allowed.

Registry is directed to make necessary correction in the head note of the petition.

Criminal Misc.No.M-22817 of 2017

The petitioner has preferred the instant petition under Section 438 Cr.P.C., for issuance of directions to the Investigating/Arresting Officer to release him on bail in the event of his arrest in case FIR No.28 dated 08.05.2017, registered under Sections 21 and 29 of the Narcotic Drugs & Psychotropic Substances Act, 1985 at Police Station Tibber District Gurdaspur.

In this case recovery has been effected from co-accused

Hardeep Singh alias Neeta son of Swaran Singh on 08.05.2017 and aforesaid FIR was registered against him. The petitioner was not named in the FIR. However, it is alleged that said co-accused Hardeep Singh alias Neeta while suffering disclosure statement named the present petitioner being the supplier of the contraband.

Learned State counsel, on instructions from ASI Bhupinder Singh, has stated that the petitioner has joined the investigation and nothing has been recovered from him.

In the circumstances, without going into the merits of the case, I do not deem it appropriate to deny the concession of anticipatory bail to the petitioner in the present case.

Ordered accordingly.

Resultantly, the interim order dated 09.08.2017, passed by this Court, is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C. However, after the trial, in case it is found that the petitioner has been wrongly and illegally engaged in this case then appropriate action be taken against the police official(s)/Investigating Agency under Section 58 of the Narcotic Drugs & Psychotropic Substances Act.

Petition stands allowed.

06.02.2018
mamta-M

(RAJ SHEKHAR ATTRI)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No