

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

**CRM-M-42258-2018
Date of decision:11.12.2018**

Kulwinder Singh @ Kinda

....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. Ashok Kumar Khunger, Advocate
for the petitioner.

Mr. Ashok Singh Choudhary, Addl. A.G., Haryana.

GURVINDER SINGH GILL, J. (ORAL)

The petitioner seeks grant of anticipatory bail in respect of FIR No.204 dated 29.08.2018 registered at Police Station Kalan Wali, District Sirsa under Section 22(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

It is the case of the prosecution that on 29.08.2018 when the police party was patrolling in the area of village Jagmalwali, then from the side of village Asir, one young boy was noticed carrying a black polythene bag, who upon noticing the police party suddenly turned back to the village Asir. The said boy was apprehended on the basis of

suspicion and upon inquiry he disclosed his name Bhim Ram and search of the said bag yielded recovery of 1320 tablets of 'Alprazolam'. It is further case of the prosecution that during interrogation said Bhim Ram disclosed that he had purchased the said tablets from Kulwinder Singh alias Kinda.

Learned counsel for the petitioner has submitted that the petitioner was never arrested at the spot and is sought to be implicated solely on the basis of a statement of co-accused Bhim Ram alleged to have been recorded during the course of interrogation.

On the other hand learned State counsel while opposing the application has submitted that the petitioner is in fact running a chemist shop and is misusing his license and in these circumstances he does not deserve the concession of anticipatory bail.

Having considered rival contentions addressed before this Court and bearing in mind the fact that the petitioner was not arrested at the spot and he has been involved solely on the basis of disclosure statement suffered by co-accused the veracity of which is yet to be tested during the course of trial, in my opinion, it is a fit case for grant of anticipatory bail. Accordingly the petition is accepted and the interim directions issued vide dated 25.09.2018 by this Court are hereby made absolute subject to the condition that the petitioner would appear before Investigating Officer as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

The petition is accepted in the above mentioned terms.

It is, however, clarified that none of the observations made above shall be taken to be an expression on merits of the main case.

11.12.2018
Gaurav Sorot

(GURVINDER SINGH GILL)
JUDGE

Whether reasoned / speaking? **Yes / No**

Whether reportable? **Yes / No**