

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-393-2019 (O&M)

Date of Decision:- 27.3.2019

Gursewak Singh @ Sewak

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Surinder Garg, Advocate, for the petitioner.

Mr. Randhir Singh Thind, DAG, Punjab.

GURVINDER SINGH GILL, J. (Oral)

1. By way of filing this petition, the petitioner seeks grant of anticipatory bail in respect of a case registered vide FIR No.131, dated 12.12.2018, registered at Police Station Kot Bhai, under Section 22 of NDPS Act.
2. The case of the prosecution is that while the police party was patrolling, the petitioner was seen standing in a street carrying a black coloured plastic envelope in his right hand. Although, the police tried to overpower the petitioner but he managed to run away while throwing away the plastic bag. The petitioner was identified by the ASI who knew him earlier. On search of the plastic bag, thrown by the petitioner 1000 tablets of 'Alprazolam' and 800 tablets of 'Tramadol Hydrochloride'.
3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and was in fact never arrested at

the spot and nor is a previous convict and as such deserves the concession of anticipatory bail.

4. Opposing the petition, learned State counsel has submitted that since the petitioner is specifically named in the FIR and was identified by ASI, there is no special case for grant of anticipatory bail. It has however been informed that the petitioner has since joined investigation.
5. Having regard to the facts and circumstances of the case especially that the petitioner was not arrested at the spot and is not stated to be a previous convict and has already joined investigation, in my opinion, the facts of the present case do not warrant any custodial interrogation. The petition, as such, is accepted and interim directions issued vide order dated 9.1.2019 are made absolute subject to the condition that the petitioner shall appear and join the investigation as and when called upon to do so and cooperate with the Investigating Officer and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.
6. The present petition stands accepted accordingly.
7. It is, however, clarified that none of the observations made above shall be construed to be an expression on merits of the main case.

March 27, 2019
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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No