

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of Decision: 29.01.2019

1. CRM-M-475-2019

Harpreet @ Happy

.. Petitioner

Vs.

State of Punjab

..Respondent

2. CRM-M-2232-2019

Sarabjit @ Sabbe

.. Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Kartikeya Swaroop Mehta, Advocate for the petitioner(s).

Ms. Monika Jalota, DAG, Punjab.

...

Inderjit Singh, J. (Oral)

This order shall dispose of CRM-M-475-2019, filed by petitioner-Harpreet @ Happy and CRM-M-2232-2019, filed by petitioner-Sarabjit @ Sabbe, under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.194 dated 29.11.2018, registered at Police Station City Nawanshahr, under Section 21 of the NDPS Act, 1985.

Notice of motion was issued in both these petitions.

Learned State counsel put in appearance on behalf of the respondent-State and contested these petitions.

I have heard learned counsel for the petitioner(s) as well as learned State counsel and have gone through the record.

From the record, I find that in the present case, 350 grams of

heroin has been recovered from co-accused Ajay Kumar. The present

petitioners have been nominated on the disclosure statement of the co-accused that they were taking the money and purchasing the heroin on his behalf. At this stage, except disclosure statement, there is no cogent evidence to connect the petitioners with the crime. Petitioner Sarabjit @ Sabbe is the mother of petitioner Harpreet @ Happy. At the most, the allegation against the present petitioners is under Section 29 of the NDPS Act and Section 37 of the NDPS Act does not bar the grant of bail in this case.

In pursuance of the interim orders dated 10.01.2019 and 18.01.2019 passed by this Court, the petitioners have already joined the investigation. They are not required for custodial interrogation. Therefore, no useful purpose will be served by sending them to custody.

Keeping in view the facts and circumstances of the present case; without discussing the facts of the case in minute details and without expressing any opinion on the merits of the case, I find merit in both these petitions and the same are allowed. The orders dated 10.01.2019 and 18.01.2019 granting interim bail to the petitioners, are made absolute. However, the petitioners shall join the investigation as and when called upon to do so and shall abide by the conditions of Section 438 (2) Cr.P.C.

However, it is made clear that any observation made hereinabove shall not be construed as an expression of opinion on the merits of the case.

29.01.2019
Jasmine Kaur

(INDERJIT SINGH)
JUDGE