

CRM-M-20332-2019

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

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Date of Decision:30.10.2019

Aatish Kumar @ Aanish @ Daddu

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Satnam Singh Gill, Advocate,
for the petitioner.

Mr. S.S.Cheema, AAG, Punjab.

HARNARESH SINGH GILL, J. (Oral)

Through the instant petition, the petitioner seeks anticipatory bail in FIR No.27 dated 15.02.2019, registered under Section 21 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, "Act") (Section 29 of the Act, added later on) at Police Station Patran, District Patiala.

On 06.05.2019, the following order was passed by this Court:

“Prayer in this petition under Section 438 Cr.P.C. has been made for grant of anticipatory bail to the petitioner, in case, FIR No.27 dated 15.02.2019, registered under Section 21 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, "Act") (Section 29 of the Act, added later on) at Police Station Patran, District Patiala.

According to the prosecution, on 15.02.2019, co-accused of the petitioner namely Shinda Ram was arrested with conscious possession of 10 grams of heroin, who, on

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interrogation disclosed that he had purchased the same from the petitioner for ₹15,000/-.

Learned counsel contends that petitioner has falsely been implicated in the instant case on the basis of disclosure statement of co-accused Shinda Ram, which is a very weak type of evidence.

Notice of motion for 29.07.2019.

In the meantime, the petitioner shall join the investigation and would come present as and when called for and in the event of arrest, he shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of the Arresting/Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C.”

Learned counsel for the petitioner states that pursuant to the order dated 06.05.2019, passed by this Court, the petitioner has joined the investigation and is not required for any further investigation.

Learned State counsel, on instructions from ASI Surinder Singh, Police Station Patran, submits that the petitioner has joined investigation and is not required for any further investigation in the present case. However, it has been brought to the notice of this Court that there are three more cases pending against the petitioner.

On putting put such a query, learned counsel for the petitioner submits that in one case, the petitioner was not arrested at the spot whereas in two other cases, he was arrested. Learned counsel also submits that the present case has been falsely planted upon the petitioner.

Keeping in view the totality of the circumstances, but without

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order dated 06.05.2019 granting interim bail to the petitioner is made absolute, subject to the conditions laid down in Section 438 (2) of the Code of Criminal Procedure.

30.10.2019

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Note:	Whether speaking/reasoned	:	Yes/No
	Whether reportable	:	Yes/No