

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

CRM-M-44818-2018 (O&M)
Date of Decision:-22.1.2019

Rishi Walia

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Gaurav Singla, Advocate for
Mr. Sumeet Puri, Advocate for the petitioner.

Ms. Ruchika Sabherwal, Assistant Advocate General, Punjab.

GURVINDER SINGH GILL, J.(Oral)

The petitioner seeks grant of anticipatory bail in respect of a case registered vide FIR No.219 dated 3.8.2018 registered at Police Station City Sangrur, District Sangrur under Section 21/29 of Narcotic Drugs and Psychotropic Substances Act, 1985.

It is the case of prosecution that when the police party was patrolling in the area of Keron Factory, Patiala by-pass Road, Sangrur, then one clean shaven person was spotted coming on a scooter, who upon noticing the police party tried to turn back but was apprehended. The said person disclosed his name as Rahul Walia and from whose search 10 grams of 'heroin' was recovered. It is the case of prosecution that subsequently during interrogation said Rahul Walia disclosed that it was the petitioner, who had handed over the aforesaid 'heroin' to him.

The learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case and that he was never present at the spot and is being implicated solely on the basis of a disclosure statement made by the main accused Rahul Walia.

Opposing the petition, the learned State counsel has submitted that the petitioner is none-else but the real brother of the main accused Rahul Walia and the very fact that Rahul Walia had disclosed his name, there is no room to doubt the complicity of the petitioner. It has, however, been informed that the petitioner has since joined investigation.

Having regard to the facts and circumstances of the case and bearing in mind the quantity of the contraband recovered and also that the petitioner is being implicated solely on the basis of a disclosure statement made by Rahul Walia and also that the petitioner has already joined investigation, in my opinion, it is a fit case for grant of anticipatory bail to the petitioner. The petition, as such, is accepted and the interim directions issued by this Court vide order dated 10.10.2018 are hereby made absolute subject to the condition that the petitioner shall appear before the Investigating Officer as and when directed.

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

This present petition stands accepted accordingly.

22.1.2019

pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No