

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

CRM-M-47963-2018 (O&M)

Date of Decision:- 27.2.2019

Sandeep Singh ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Ashish Aggarwal, Advocate, for the petitioner.

Mr. Randhir Singh Thind, DAG, Punjab.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of anticipatory bail in respect of a case registered against him vide FIR No.116, dated 3.10.2018, registered at Police Station Maqboolpura, District Amritsar City, under Section 21 of NDPS Act.
2. As per the case of prosecution, a secret information was received to the effect that petitioner-Sandeep Singh and co-accused Daljit Singh supplied 'Heroin' to various cities and that in case they are apprehended, huge recovery of 'Heroin' can be recovered. Pursuant to receipt of the aforesaid information, barricading was held and co-accused Daljit Singh was apprehended while traveling on motorcycle and from whose possession 300 grams of 'Heroin' was recovered.

3. Learned counsel for the petitioner has submitted that the petitioner was never arrested at the spot and in fact had been falsely implicated at the instance of one Police Inspector, who is inimical to him because of relations of the petitioner with daughter of said Police Inspector. It has however been submitted that in fact the petitioner had been involved falsely earlier also at the instance of said Inspector i.e. in case FIR No. 107, dated 10.8.2011, registered at Police Station Sadar, Batala, under Section 21 of NDPS Act, in which he already stands acquitted. It has further been informed that subsequently he was involved in yet another case bearing FIR No. 51, dated 14.2.2017, registered at Police Station A Division, Amritsar, under Section 21 of Arms Act and under Section 25 of the Arms Act, which is pending.
4. Opposing the petition, learned State counsel, upon instructions from SI Amar Partap Singh, has submitted that since the petitioner is specifically named in the FIR and co-accused was arrested while in possession of 300 grams of 'Heroin', no case for grant of anticipatory bail is made out. It has however, been informed that pursuant to interim directions issued by this Court on 30.10.2018, the petitioner has already joined investigation.
5. Having regard to the facts and circumstances of the case more particularly the fact that the petitioner was not arrested at the spot and has already joined investigation, in my opinion it is a fit case for grant of anticipatory bail. The petition, as such, is accepted and interim directions issued vide order dated 30.10.2018 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. It is, however, clarified that none of the observations made above shall be construed to be an expression on merits of the main case.

February 27, 2019

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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No