

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

**CRM No.M-49339 of 2018 (O&M)
Date of Decision: February 27, 2019**

Sawinder Singh

...Petitioner

VERSUS

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Rahul Bhargava, Advocate
for the petitioner.

Mr.Dhruv Dayal, Sr.DAG, Punjab
for the respondent-State.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.46 dated 27.09.2018 under Section 22 of the NDPS Act, registered at Police Station Mohkamura, District Police Commissionerate, Amritsar.

Notice of motion was issued. Learned State counsel appeared and contested the petition.

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

As per prosecution version, Raman Kumar and Daljit Kaur, son and wife of the petitioner, were apprehended while going on motorcycle and on search, 998 intoxicating tablets were recovered. During investigation,

son and wife of the petitioner stated that those tablets were brought by them from present petitioner.

Learned counsel for the petitioner contended that wife and son of the petitioner had earlier been picked up by the police to now the whereabouts of Angrej Singh, who is alleged to be involved in illegal activities. When they were not released, the petitioner filed habeas corpus. The warrant officer was appointed and just before the Warrant Officer could search the premises of police station, a false FIR was registered against the son and wife of the petitioner.

The allegations against the petitioner falls under Section 29 of the NDPS Act. Provisions of Section 37 of the NDPS Act does not apply in the present case.

The petitioner has already joined the investigation. He is not required for custodial interrogation. Recovery has already been effected. The trial of the case will take long time. No useful purpose will be served by sending and keeping the petitioner in custody till the disposal of the case.

Keeping in view the facts and circumstances of the case and without discussing the facts of the case in minute details and without expressing any opinion on the merits of the case, I find it a fit case, where the petitioner is entitled to benefit of anticipatory bail. Therefore, the present petition is accepted and the order dated 05.11.2018 granting interim bail to the petitioner, is made absolute

February 27, 2019
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No