

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

CRM-M-53266-2018 (O&M)

Date of Decision:-19.3.2019

Amarjit Singh @ Pappu

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Divjyot S. Sandhu, Advocate for the petitioner.

Ms. Rashmi Attri, Assistant Advocate General, Punjab.

GURVINDER SINGH GILL, J.(Oral)

The petitioner seeks grant of anticipatory bail in respect of a case registered against him FIR No.78 dated 25.7.2018 at Police Station Fattu DHINGA, District Kapurthala under Sections 399 and 402 of Indian Penal Code, 1860 and Sections 22 and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 and Section 25 of Arms Act.

The FIR was lodged on the basis of a secret information to the effect that Arshdeep Singh, Sukhwinder Singh, Lakhwinder Singh, Nusrat Ali, Amarjit Singh @ Pappu (petitioner), Manpreet Singh and Narinderpal Singh are indulging into sale of intoxicants and also commit dacoity and kept illegal weapons. The information was further to the effect that on that very day Arshdeep Singh, Sukhwinder Singh, Lakhwinder Singh, and Manpreet Singh alongwith two unknown persons, who had recently joined them, were present in a deserted brick kiln on Panchayat land in Village

Jhugian Gulam and were also planning to loot petrol pump and liquor shop and were also possessing intoxicants with them.

Pursuant to receipt of the aforesaid information, a raid was conducted and the aforesaid four persons namely Arshdeep Singh, Sukhwinder Singh, Lakhwinder Singh, and Manpreet Singh were apprehended from the spot. It is further the case of prosecution that during interrogation, the aforesaid apprehended persons suffered disclosure statement that they along with present petitioner had earlier committed an offence under Section 379-B IPC regarding which FIR No.123 dated 9.6.2018 registered at Police Station City, Kapurthala under Sections 379-B IPC stood registered. The petitioner was thereafter arrested in respect of the aforesaid FIR and has since been released on bail.

The learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case and that, in any case, he was never arrested at the spot and has been implicated in another FIR i.e. FIR No.123 dated 9.6.2018, on the basis of a disclosure statement made by co-accused, and apart from FIR No.123 dated 9.6.2018 and the present case, there is no other case registered against the petitioner.

Opposing the petition, the learned State counsel has informed that since the petitioner has been specifically named as an accused in the FIR and also has been named in the disclosure statement, no case for grant of anticipatory bail is made out. It has, however, been informed that the petitioner has already joined investigation.

Having considered rival submissions addressed before this Court and bearing in mind the fact that the petitioner was never arrested at

the spot and is not stated to be involved in any other case except the present case and FIR No.123 dated 9.6.2018, regarding which the disclosure statement was made by the co-accused and also that the petitioner has already joined investigation, in my opinion, it is a fit case for grant of anticipatory bail. The petition, as such, is accepted and the interim directions issued by this Court vide order dated 3.12.2018 are hereby made absolute subject to the condition that the petitioner shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

The present petition stands accepted accordingly.

19.3.2019

pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No