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

**CRM-M-40923-2019
Date of decision-01.10.2019**

Gurdeep Singh @ Shinda and anotherPetitioners

Vs.

State of Punjab ...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. A.S.Sidhu, Advocate for the petitioners.

Mr. Balbir Singh Sewak, Addl.A.G, Punjab assisted by
ASI Sukhpal Singh.

MANOJ BAJAJ, J.

Petitioners have filed this petition under Section 438 Cr.P.C for grant of anticipatory bail in case FIR No.137 dated 02.09.2019 under Section 21 of Narcotic Drugs and Psychotropic Substances Act, 1985 Act registered at Police Station Sadar, District Bathinda.

The FIR was registered on the secret information wherein it was informed that petitioners are involved in work of selling heroin. As per the information, the alleged heroin was kept in cattle courtyard in the house of the petitioners. Acting upon the same, approximately 65 grams of heroin was recovered from the cattle courtyard.

Learned counsel for the petitioner contends that petitioner No.1 has been indicted on the ground that he happens to be brother of petitioner No.2, namely, Gurmail Singh @ Gurmej Singh, who is accused in case FIR

No.99 dated 17.07.2018 from whom 10 grams of heroin was recovered. According to him, brother of petitioner No.1 is perhaps a drug addict and the said contraband was for his personal use. He does not press this petition qua petitioner No.2 and wishes to withdraw the same.

Prayer is accepted and the petition is dismissed as withdrawn qua petitioner No.2, namely, Gurmail Singh @ Gurmej Singh.

On the other hand, learned State counsel assisted by ASI Sukhpal Singh has opposed the prayer, however, it is not disputed by him that said contraband i.e. 65 gram heroin was recovered from the cattle shed belonging to the house of the petitioners. It is also not disputed that none of the petitioners were present at the spot when alleged recovery was effected.

Considering the above background and the fact that the petitioner No.1, namely, Gurdeep Singh @ Shinda is not involved in any other case, it is ordered that in the event of arrest of the petitioner No.1 by the Arresting Officer, he shall be released on bail subject to his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. He shall join investigation as and when called for by the Investigating Officer and would abide by the conditions enshrined under Section 438(2) Cr.P.C. The above order shall not be construed as an opinion on the merits of the case.

The petition is allowed.

(MANOJ BAJAJ)
JUDGE

01.10.2019

vanita

Whether speaking/reasoned :

Yes

No

Whether Reportable :

Yes

No