

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

**CRM-M-49165-2019
Date of decision: 22.11.2019**

Bohar Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. K. B. Raheja, Advocate
for the petitioner.

Mr. Jagmohan Ghuman, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail to the petitioner in case FIR No. 126 dated 02.09.2019, registered under Section 21 of the NDPS Act, 1985 at Police Station City Jalalabad, District Fazilka.

Learned counsel for the petitioner submits that as per the allegations in the FIR, the Investigating Officer received an informed that three persons, namely Paramjit Kaur, Manpreet Singh and Ripma Singh, are indulged in the sale of the drugs and are coming on a motorcycle. Upon this, the said accused persons were apprehended and 25 grams of Heroin were recovered from them.

Learned counsel for the petitioner further submits that all the aforesaid three co-accused have already been granted concession of regular bail by the Additional Sessions Judge, vide orders dated 01.10.2019 and 03.10.2019.

Learned counsel for the petitioner further submits that the allegations against the petitioner are that aforesaid co-accused have purchased the recovered intoxicant powder from him. It is further submitted that the petitioner is the resident of a distant place and has falsely been implicated in this case.

Learned State counsel, on instructions from ASI Malkeet Singh, submits that the aforesaid accused persons have also stated in their disclosure statement that they have purchased the intoxicant powder from the petitioner. It is also submitted that the petitioner is involved in one more case under the NDPS Act.

In reply, learned counsel for the petitioner relies upon the judgments rendered in **2019 (3) Law Herald 2001 Rajwinder Singh vs. State of Punjab** and **2014 (1) Law Herald 56 Boota Singh vs. State of Punjab** to argue that if a person was not arrested at the spot, he is entitled to get concession of anticipatory bail even if he is involved in any other case of recovery of some contraband.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the facts that the recovery effected from the aforesaid co-accused is of non-commercial quantity and they have already been granted concession of regular by the Additional Sessions Judge; the address of the petitioner is not correctly given in the FIR; he was not present when the alleged recovery was effected and also in view of the ratio of law laid down in judgments referred to above, the instant petition is allowed. The petitioner is granted concession of anticipatory bail, subject to conditions prescribed under

Section 438(2) Cr.P.C.

However, it will be open for the Investigating Officer to call the petitioner by issuing a notice in writing for joining investigation.

22.11.2019

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No