

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

**CRM-M-4325 of 2020
Date of Decision:-19.02.2020**

Sagar Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. P.K.S. Phoolka, Advocate
for the petitioner.

Mr. A.P.S. Gill, DAG, Punjab.

JASGURPREET SINGH PURI J.(Oral)

Petitioner-Sagar Kumar has filed the present petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.230 dated 30.09.2019, under Section 22 of NDPS Act, registered at Police Station Civil Lines, Bathinda, District Bathinda.

Learned counsel for the petitioner has vehemently argued that in the present case the petitioner has been nominated only by virtue of the fact that he is owner of the car in question from which the contraband was recovered. He has further submitted that the petitioner has nothing to do with the seizure of contraband. According to learned counsel for the petitioner it does not constitute any ground for roping the petitioner in the present case. He has further argued that although the father of the petitioner

is one of the main accused but the petitioner being young boy of 26 years has never engaged in such like of activities and there is no case pending against him (this fact has not been controverted by learned State counsel).

Per contra learned State counsel on instructions from SI Daljit Singh states that it is correct that petitioner is not involved in any other case as on today but since he is owner of vehicle, from which the alleged contraband was recovered, therefore he has been nominated and his custodial interrogation is required.

I have heard learned counsel for the parties and gone through the records.

In the present case the petitioner was nominated on the basis of the fact that he was owner of the car and the main accused was his father against whom some other cases were pending but so far as the petitioner is concerned, there is no other case pending against him and as per the arguments of learned counsel for the petitioner he is a young boy and is not involved in such type of activities. Since he has been falsely implicated in this case and in case he is arrested, it may hamper his career prospects. Learned counsel for the petitioner has already submitted that he undertakes to join the investigation and would appear before the police station as and when required by the police and will fully cooperate with the investigation process.

In view of the totality of circumstances and the undertaking given by learned counsel for the petitioner that he will fully cooperate with the investigation process and that no other case is pending against him, I deem it appropriate to grant relief to the petitioner. Resultantly, the petition

is allowed. In the event of arrest, the petitioner is ordered to be released on bail to the satisfaction of the Arresting Officer/Investigating Officer. However, the petitioner shall continue to join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.

Needless to say that in case the petitioner does not cooperate with the investigation process, then certainly the State can move an appropriate application in that regard.

February 19, 2020
Vijay Asija

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No