

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

201

**CRM-M-11587-2020
Date of decision: 10.08.2020**

Mukesh Chand @ Rinku

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Hakam Singh, Advocate
for the petitioner.

Mr. M.S. Nagra, AAG, Punjab
for the respondent-State.

ARUN KUMAR TYAGI, J (ORAL)

The case has been taken up for hearing through video conferencing.

The petitioner-Mukesh Chand @ Rinku has filed the present petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail in case FIR No.15 dated 06.02.2020 registered under Section 18 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the NDPS Act') and Sections 420, 465, 471 and 120-B of the Indian Penal Code, 1860 at Police Station Sadar Faridkot, District Faridkot to which Sections 22 and 29 of the NDPS Act were added lateron.

Brief facts of the case are that on 06.02.2020 police party headed by ASI Harbans Singh was present in Government vehicle at District Court, Faridkot. Telephonic call was received from Munshi CIA, Jaiton regarding stopping of accused Hardeep Singh @ Billa and Tarsem Singh @ Sandhu travelling in Creta car on the basis of suspicion. On search as per the prescribed procedure 507 gms. of opium was recovered from Hardeep Singh @ Billa and 507 gms. of opium was recovered from co-accused Tarsem Singh @ Sandhu. During investigation 20320 intoxicating tablets were recovered from c-accused Hardeep Singh @ Billa. In his disclosure statement co-accused Hardeep Singh @

Billa named the petitioner as the petitioner who had supplied some of the tablets to him.

While issuing notice of motion on 17.06.2020, this Court had granted the interim anticipatory bail to the petitioner with direction to join the investigation.

Learned State Counsel has appeared and opposed the bail application.

Reply by way of affidavit of Sh. Satvinder Singh, PPS, Deputy Superintendent of Police, Sub-Division Faridkot, District Faridkot has been filed on behalf of respondent-State through email print out of which is taken on record.

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

Learned Counsel for the petitioner has submitted that the petitioner is a medical representative and was supplying medicines to co-accused Hardeep Singh @ Billa who was running chemist shop. The petitioner has not supplied intoxicating tablets and has been falsely implicated in the case on the basis of disclosure statement of co-accused Hardeep Singh @ Billa. The petitioner is not involved in any other case under the NDPS Act. Rigors of Section 37(1)(b) of the NDPS Act are not applicable qua the petitioner. The petitioner has joined the investigation. Nothing is to be recovered from him and his custodial interrogation is not required.

On the other hand, learned State Counsel has submitted that the petitioner was the person who as per the disclosure statement of co-accused-Hardeep Singh @ Billa had supplied the intoxicating tablets to him. In view of the gravity of accusation, the petitioner does not deserve grant of anticipatory bail.

However, learned State Counsel, on instructions from S.I. Bhupinder Singh, has acknowledged that in compliance with order dated 17.06.2020 passed by this Court, the petitioner has joined the investigation and submitted that his custodial interrogation is not required for effecting any recovery and also the petitioner is not involved in any other case under the NDPS Act.

In view of the facts and circumstances of the case as referred to above that no recovery was made from the petitioner who is arrayed on the basis of disclosure statement of his co-accused and inapplicability of rigors of Section 37(1)(b) of the NDPS Act qua the petitioner and the fact that custodial interrogation of the petitioner is not required in the case but without expressing any opinion on the merits of the case, I am of the considered view that the petitioner deserves the concession of anticipatory bail.

Therefore, the petition is allowed and order dated 17.06.2020 granting interim bail to the petitioner is made absolute. However, the petitioner shall join the investigation again if and as and when called upon to do so and shall abide by the conditions enumerated in Section 438 (2) of the Cr.P.C., failing which the protection of anticipatory bail order shall not be available to him.

10.08.2020

Kothiyal

**(ARUN KUMAR TYAGI)
JUDGE**

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No