

CRM-M-13378-2020

Date of decision: 01.06.2020

Gurjit Singh

....Petitioner

versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH**Present:** Mr. Neeraj Yadav, Advocate
for the petitioner.**FATEH DEEP SINGH, J.(ORAL)**

Due to the outbreak of pandemic COVID-19, the instant case is being taken up for hearing through video conferencing.

Mr. Dhruv Dayal, Senior DAG, Punjab puts in appearance on behalf of the State on his own.

Petitioner, Gurjit Singh, has come up in this first anticipatory bail application under Section 438 Cr.P.C. in case bearing FIR No.0014 dated 24.03.2020 under Sections 22/61/85 of Narcotic Drugs and Psychotropic Substances Act registered at Police Station Mattewal, District Amritsar.

The brief allegations are that the police party headed by ASI Lakha Singh apprehended one, Krishan, co-accused/non-applicant and from whose right hand pocket of the pant, 40 intoxicating tablets were got recovered. During the interrogation, the

accused disclosed of having purchased the contraband from the present petitioner, Gurjit Singh.

Learned counsel for the petitioner has argued that the petitioner is not named in the FIR and only semblance of the evidence is statement of co-accused and that the recovery has already been effected and his joining the investigation would suffice the purpose.

The learned State counsel has strongly opposed the bail on the ground that the petitioner is a habitual criminal and is facing various criminal cases under various provisions of law and, therefore, is not entitled to any relief.

Going through the submissions of the two sides, it is only on the statement of the co-accused/non-applicant-Krishan, the petitioner has been roped in. Thus, a debatable issue arises over the very legality and credibility of such piece of evidence, which can only be adjudicated at the time of the trial. This Court is of the opinion that it would be a travesty of justice to send the petitioner in custody in the present case and his joining the investigation would suffice the purpose. Accordingly, the petitioner is directed to appear before the Investigating Officer within a period of 15 days from the date of receipt of certified copy of this order and on his doing so, he shall be released on bail to the satisfaction of the arresting/investigating officer till submission of report under Section 173 Cr.P.C. (challan). The petitioner shall continue to join investigation and shall furnish an

undertaking that he shall abide by the conditions specified under Section 438(2) Cr.P.C. Thereafter, he will be permitted to furnish regular bail bonds to the satisfaction of the trial Court.

The petition stands disposed off accordingly.

01.06.2020
Neha

(FATEH DEEP SINGH)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No