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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.16664 of 2020

Date of Decision: 09.07.2020

MINTU SINGH

.....Petitioner

Vs

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Ms. Manjot Kaur, Advocate
for the petitioner.

Mr. Amar A. Pathak, Addl. A.G., Punjab.

RAJ MOHAN SINGH, J.(Oral)

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

The petitioner seeks grant of anticipatory bail in case bearing FIR No.140 dated 23.10.2019, registered under Sections 22/29 of the NDPS Act at Police Station Sherpur, District Sangur.

Learned counsel for the petitioner submitted that the FIR was registered on the basis of secret information in which complicity of Kartar Kaur i.e. grand mother of the petitioner was alleged. Secret information was made to the effect that Kartar Kaur is indulged in selling of intoxicant tablets. She was arrested in raid conducted by the police and contraband was

recovered. In the disclosure statement, name of the petitioner came to fore. Kartar Kaur has alleged that intoxicant tablets had been given to her by her grand son i.e. the petitioner. At the time of registration of the case, there was no other incriminating material against the petitioner except the disclosure statement of co-accused in police custody.

Learned counsel further submitted that at the time of registration of FIR in question, the petitioner was already in custody in some different case.

On the other hand, learned State counsel on instructions from the Investigating Officer submitted that even after registration of the case in question, the involvement of the petitioner has been corroborated by way of independent testimony of Ujagar Singh.

Presence of the aforesaid alleged witness has not been shown in the FIR. It would be debatable as to the complicity of the petitioner viz-a-viz. his involvement in the present case.

At this stage, without meaning anything on merits of the case, it would be just and appropriate to direct the petitioner to appear before the SHO/Investigating Officer to join investigation on 15.07.2020 and in the event of his arrest, he shall be released on bail on his furnishing bail bonds to the satisfaction of SHO/Investigating Agency subject to the following conditions

as envisaged under Section 438(2) Cr.P.C:-

- i) that the petitioner shall make himself available for interrogation before the Investigating Officer as and when required;
- ii) that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;
- iii) that the petitioner shall not leave the country, without prior permission of the Court and shall surrender his passport, if any.

Petitions stands disposed of.

(RAJ MOHAN SINGH)
JUDGE

July 09, 2020

Atik

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No