

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

202

CRM-M No.18021 of 2020
DATE OF DECISION : 27th JULY, 2020

Surinder Singh @ Baba

.... **Petitioner**

Versus

State of Punjab

.... **Respondent**

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

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In virtual Court

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Present: Mr. Surmeet S. Sandhu, Advocate for the petitioner.
 Mr. Rakeshinder Sidhu, AAG, Punjab.

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RAJBIR SEHRAWAT, J. (Oral)

The present petition has been filed by the petitioner under Section 438 Cr.P.C for grant of anticipatory/pre-arrest bail in case FIR No.26 dated 14.03.2020 registered under Section 21/22/61/85 of the Narcotics Drugs & Psychotropic Substances Act; Sections 399 & 402 IPC, 1860 and Section 25/54/59 of the Arms Act, at Police Station Begowal, District Kapurthala.

It is contended by counsel for the petitioner that the case against the petitioner is totally concocted. The petitioner is not involved in the alleged crime at all. He has been involved only on the basis of the alleged disclosure statement of the co-accused, who were allegedly arrested from the spot; and from whom some contraband material has been recovered. However, the petitioner had no connection with the said co-accused. Although the co-accused was already arrested, however, the police have not been able to collect any evidence showing any

connection of the petitioner with the said co-accused. Still further, it is submitted by the counsel that there is no other case against the petitioner under the NDPS Act. The petitioner shall join the investigation.

Learned State counsel, on instructions from SI Sukhjeet Singh, has submitted that the secret information had named the petitioner as one of the persons who were indulging in trade of narcotic substances. When the police raided the place, the co-accused of the petitioner were arrested. However, the petitioner has been successful in running away from the spot. However, it is not disputed that except the disclosure statement of the co-accused there is nothing with the police to connect the petitioner to the alleged crime. The police have not been able to find anything so far, to show that the petitioner was having any connection or communication with the arrested co-accused. It is also not disputed that there is no other case against the petitioner under NDPS Act.

In view of the above, but without commenting anything on merits of the case, the present petition is allowed. In the event of arrest, the petitioner be released on bail subject to his furnishing personal bonds/surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall 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.

27th JULY, 2020
'raj'

(RAJBIR SEHRAWAT)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>	<i>No</i>
<i>Whether Reportable:</i>	<i>Yes</i>	<i>No</i>