

203-2

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-19910-2020 (O&M)

Date of Decision: September 02, 2020

DHARAMPAL

..... Petitioner(s)

Versus

STATE OF PUNJAB

..... Respondent(s)

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Sandeep Wadhawan, Advocate
for the petitioner.

Mr. Ramdeep P. Singh, D.A.G., Punjab.

LISA GILL, J.

This matter is being taken up for hearing through video conferencing due to outbreak of the pandemic, COVID-19.

Prayer in this petition is for grant of anticipatory bail to the petitioner in FIR No.43 dated 15.03.2020, under Sections 18, 29 of the NDPS Act, Police Station Sadar Nakodar, District Jalandhar.

Contentions on behalf of the petitioner, noted while issuing notice of motion on 22.07.2020 read as under:-

“It is submitted that both the abovesaid petitioners have been falsely implicated in the present case. Learned counsel for the petitioners submits that Manpreet Sharma and co-accused, Surinder Singh were working together for the company, namely, Dinesh Cranes. Petitioner – Manpreet Sharma is stated to be a Crane Operator in the said company. He was posted at Mumbai. Manpreet Sharma himself was not able to come to Punjab due to outbreak of the pandemic COVID- 19, therefore, he sent him money for his mother through Surinder Singh, who was slated to travel to Punjab. Co-accused Surinder Singh, from whom the alleged contraband was recovered, was a helper in the company, 'Dinesh Cranes'. Dharampal, the petitioner in CRM-M No.19910 of 2020, is the brother-in-law i.e., Jija of Manpreet Sharma. The money was to be handed over to Dharampal for use of Manpreet Sharma's mother. The petitioner

– *Manpreet Sharma, it is submitted, is not involved in any other criminal case except a matrimonial dispute* with his wife. The petitioner-Dharampal is not involved in any other criminal matter.”

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in this FIR merely on the basis of the disclosure statement of the co-accused from whom the alleged recovery of the contraband was affected. It is further submitted that the petitioner has since joined investigation and he undertakes to co-operate in the investigation.

Learned counsel for the State on instructions from SI Inderjit Singh verifies that the petitioner has joined investigation and his custodial interrogation is not required. It is further verified that he is not involved in any other criminal case.

Keeping in view the facts and circumstances as above but without commenting upon or expressing any opinion on the merits of the case, this petition is allowed. Consequently, order dated 22.07.2020 is made absolute. Needless to say, the petitioner shall comply with the conditions stipulated under Section 438(2) of Cr.P.C.

It is clarified that none of the observations made hereinabove shall be construed to be a reflection on the merits of the case. The same are solely confined for the purpose of decision of the present petition.

02.09.2020

Sunil

(LISA GILL)

JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No