

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No. M-19890 of 2020 (O&M)
Date of decision : July 29, 2020

Bittu

....Petitioner

versus

State of Punjab

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. LS Sekhon, Advocate, for the petitioner

Mr. H.S.Sullar, Sr. DAG Punjab for the State

Fateh Deep Singh, J. (Oral)

The matter has been taken up through Video-conferencing on account of outbreak of pandemic COVID-19.

Petitioner Bittu has come up in this first anticipatory bail in case FIR No. 188 dated 18.5.2020 under Sections 21 and 29 of the NDPS Act, PS Dhuri, District Sangrur.

The present case was got registered on the basis of secret information that co-accused non-applicant Gurpreet Singh and Sarma Singh alias Kaka could be apprehended who were

travelling in Alto Car bearing No. UP16K-7078 with contraband which they alleged to have purchased from the present petitioner. It was on the basis of this information, the present case was got registered. Acting on this information, the police apprehended co-accused Gurpreet Singh and Sarma Singh alias Kaka and from their possession 100 grams of heroin was got recovered.

Learned counsel for the petitioner has submitted that there is no specific evidence against the petitioner except the secret information and nothing has been recovered till date purported to be from the possession of the petitioner. The recovery if any is from the co-accused.

Learned State counsel on getting instructions with all fairness fairly concedes at the bar the factual scenario and the contraband being non-commercial quantity but has opposed the grant of bail in view of heinousness of offence and that the name of the petitioner figures in the FIR.

Going through the submissions, recovery has already been effected from co-accused independently and the only semblance of evidence is that the petitioner happens to be the supplier of the same. The very legal worth of such an evidence on statement of co-accused is subject to judicial trial. It would be

traversery of justice to send the petitioner behind the bars.
Culpability, if any, would be determined at the trial.

In view of the aforesaid, the present petition is allowed.
In the event of arrest, the petitioner shall be released on interim bail to the satisfaction of arresting/investigating officer till submission of report under section 173 Cr.P.C. (challan). The petitioner shall, however, join the investigation as and when called for and shall also abide by the conditions specified under section 438 (2) Cr.P.C. Thereafter, on presentation of challan, the petitioner will be permitted to furnish regular bail bonds to the satisfaction of the trial Court. Presently, the petitioner is directed to join investigation within 15 days days of the receipt of the copy of order.

The present petition stands disposed of.

July 29, 2020
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(Fateh Deep Singh)
Judge

Whether speaking/reasoned ?
Whether Reportable ?

Yes/No
Yes/No