

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

101

CRM-M No.20938 of 2020
DATE OF DECISION : 29th JULY, 2020

Lovepreet Singh

.... 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. I.P.S. Kohli, Advocate for the petitioner.

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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.119 dated 15.06.2020 registered under Section 21 of the NDPS Act (Section 29 of the NDPS Act, added later on), at Police Station Dharamkot, District Moga.

It is contended by counsel for the petitioner that the case against the petitioner is totally concocted. The petitioner is not involved in any crime as alleged against him. His name has been sought to be involved in the case only on the basis of alleged disclosure statement of co-accused- Manjeet Kaur @ Akki, from whom, allegedly, 1.2 kg of heroin has been recovered. Still further, it is submitted that even if that disclosure statement is to be believed, the allegation against the petitioner is not that he used to supply the material to the co-accused. Rather, the allegation is reverse, to

say that she used to sell the material to the present petitioner. In that situation, unless there is some recovery from the petitioner, he can not be at all involved in the matter. It is also submitted that the petitioner is 19 years old and there is no other case against him.

Notice of motion.

Mr. H. S. Multani, AAG, Punjab, accepts notice on behalf of the State.

Learned State counsel, being instructed by ASI Virender Kumar, has submitted that the name of the petitioner has specifically surfaced during the investigation. However it is not disputed that the allegation against the petitioner is that he used to purchase the material from the co-accused and not that he had supplied the recovered material to the co-accused. It is also not disputed that there is no other case against the petitioner.

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.

29th 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>