

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

**CRM-M-21993-2020
Date of decision: 07.08.2020**

Gopal Krishan @ Gopal Sharma

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. D. S. Malwai, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of anticipatory bail in FIR No. 108 dated 27.07.2020, registered under Section 15 of the NDPS Act, 1985 at Police Station Tapa Mandi, District Barnala.

Learned counsel for the petitioner submits that as per the allegations in the FIR, the police party received a secret information that the petitioner is indulged in the business of narcotics and he is coming on a motorcycle along with one person sitting as pillion rider. Thereafter, ASI Kiranjit Kaur laid a Naaka and found that the petitioner is coming on a motorcycle with a pillion rider and a plastic bag was lying between both of them and one seeing the police party, they threw the said plastic bag and fled away from the spot.

Learned counsel further submits that the petitioner is not involved in any other case and he has no history of involvement in the business of narcotic substances.

It is further submitted that it is a matter of trial whether on seeing the police the party, two persons ran away from the spot and they could not be apprehended.

Learned counsel further submits that the complainant and the Investigating Officer are the same person and therefore, no custodial investigation of the petitioner is required as the recovery of 11 kgs of poppy pods, which falls under non-commercial quantity, has already been effected.

Learned State counsel, on telephonic instructions from ASI Nijjar Singh, has not disputed the factual position and submitted that the petitioner is not involved in any other case, however, he has opposed the bail on the ground that the petitioner was named in the secret information.

I have heard learned counsel for the parties.

Without commenting anything on the merits of the case, considering the aforesaid facts and the manner in which the investigation has been conducted and also in view of the fact that the recovery has already been effected, the present petition is allowed.

The petitioner is granted concession of anticipatory bail, subject to the conditions envisaged under Section 438(2) Cr.P.C.

However, it will be open for the Investigating Officer to call upon the petitioner to join investigation, if so required, after issuing a written notice in this regard.

07.08.2020

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No