

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

**CRM-M-27670-2020 (O&M)
Date of Decision: October 26, 2020.**

GURJIT SINGH Petitioner(s)

Versus

STATE OF PUNJAB Respondent(s)

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Hitesh Verma, Advocate
for the petitioner.
Mr. Ajay Pal Singh, DAG, 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. 74 dated 02.09.2019, under Sections 22/29 of the NDPS Act, 1985, Police Station Bhadaur, District Barnala.

Contentions on behalf of the petitioner, noted while issuing notice of motion on 14.09.2020 read as under:-

“It is submitted that the petitioner is sought to be implicated in FIR No. 74 dated 02.09.2019 only on the basis of disclosure statement of the co-accused Gurdeep Singh @ Deepa from whom 200 tablets of Tramadol were allegedly recovered. It is further submitted that the petitioner is not involved in any criminal case.”

Learned counsel for the petitioner submits that the petitioner has since joined the investigation and he undertakes to cooperate in the investigation

of the matter. Learned counsel for the petitioner further submits that there is no other evidence on record to link the present petitioner with the alleged offence. Moreover quantity of the contraband allegedly recovered from the co-accused is also contended to be non-commercial. It is thus prayed that this petition be allowed.

I have heard learned counsel for the parties.

Learned counsel for the State on instructions from SI Amrit Singh verifies that the petitioner has joined investigation and his custodial interrogation is not required. It is further verified that the petitioner is not involved in any other criminal case. Learned counsel for the State, at this stage, is unable to point out any other evidence on record to link the present petitioner with the recovery in question.

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 14.09.2020 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.

October 26, 2020
Sunil

(LISA GILL)
JUDGE

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No