

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

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IN VIRTUAL COURT

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**CRM-M No. 30446 of 2020
Decided on: 1.10.2020**

Sukhjinder Singh @ Santy

.....Petitioner

Versus

State of Punjab

.....Respondent

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Vivek K. Thakur, Advocate, for the petitioner

Rajbir Sehrawat, J.(Oral)

The present petition has been filed by the petitioner under Section 438 Cr.P.C for grant of anticipatory bail in case FIR No. 26 dated 14.3.2020, registered under Sections 399/402 IPC, Section 25 of Arms Act, 1959 and Sections 21/22 of Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station Begowal, District Kapurthala.

It is submitted by the counsel for the petitioner that the case against the petitioner is totally concocted. The petitioner is not involved in the alleged crime at all. He has been involved only on the basis of the alleged disclosure statement of the co-accused, who were allegedly arrested from the spot; and from whom some contraband material has been recovered. However, the petitioner had no connection with the said co-accused. Although the co-accused was already arrested, however, the police have not been able to collect any evidence showing any connection of the petitioner with the said co-accused. Still further, it is submitted by the counsel that there is no other case against the petitioner under the NDPS Act. The petitioner shall join the

investigation.

Notice of motion.

Mr. A.A. Pathak, Addl. AG, Punjab, accepts notice on behalf of the State.

It is submitted by the counsel for the State, being instructed by SI Sukhjeet Singh, that the secret information had named the petitioner as one of the persons who were indulging in trade of narcotic substances. When the police raided the place, the co-accused of the petitioner were arrested. However, the petitioner has been successful in running away from the spot. However, it is not disputed that except the disclosure statement of the co-accused, there is nothing with the police to connect the petitioner to the alleged crime. The police have not been able to find anything so far, to show that the petitioner was having any connection or communication with the arrested co-accused. It is also not disputed that there is no other case against the petitioner under the NDPS Act.

In view of the above, but without commenting any further on the merits of the case, the present petition is allowed. It is ordered that the petitioner shall join the investigation as and when so required by the Investigating Agency. However, in case of arrest, the Investigating Officer is directed to release the petitioner on bail on his furnishing bail bonds/surety to his satisfaction. It is further directed that the petitioner shall also observe the other conditions as required under Section 438(2) of Cr.P.C.

(RAJBIR SEHRAWAT)
JUDGE

1.10.2020

Ashwani

Speaking/Non-speaking : Yes/No
Reportable/Reasoned : Yes/No