

CRM-M-32865-2020

Date of decision: 15.10.2020

Ravinder Kumar

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH**Present:** Mr. Nirmanjeet Singh Sidhu, Advocate
for the petitioner.**FATEH DEEP SINGH, J. (ORAL)**

Due to outbreak of pandemic COVID-19, the instant case is being taken up for hearing through video conferencing.

Notice of motion to the respondent-State.

Mr. Jagmohan Ghuman, DAG, Punjab puts in appearance and accepts notice on behalf of the respondent-State. Copy supplied.

The petitioner-Ravinder Kumar has sought this first anticipatory bail application under Section 438 Cr.P.C. in a case bearing FIR No.71 dated 25.04.2020 under Sections 21, 25, 61 and 85 of the NDPS Act and Sections 188 and 270 of the Indian Penal Code registered at Police Station Civil Lines, District Bathinda.

The allegations in this case are against the accused/non-applicant-Iqbal Singh @ Ekam and Jaspreet Singh @ Jassi, who were apprehended by the police while going on motorcycle (no particulars detailed as per the stand of the State) and from their conscious possession, 10 gram of heroin was recovered from the accused/non-applicant-Iqbal Singh @ Ekam along with a sum of Rs.40,300/- as drug money, was recovered from the accused/non-applicant-Jaspreet Singh @ Jassi.

It is *inter alia* contended by learned counsel for the petitioner that the only allegations against the petitioner is that he happens to be the registered owner of the vehicle and that neither he was named in the FIR nor anything has been recovered from his conscious possession.

The learned State counsel though does not displace the facts but has strongly opposed the grant of bail on the grounds that investigations are still undergoing.

From the bare perusal of the FIR, it illustrates that the particulars of the motor bike on which it is alleged that the co-accused/non-applicant- Iqbal Singh @ Ekam and Jaspreet Singh @ Jassi were riding when the recovery was effected and has not been detailed for obvious reasons to subsequently rope in any person which the police considers it appropriate. Recovery has already been effected from the co-accused/non-applicant and that it would be travesty of justice to send the petitioner behind the bars and his

joining investigation would suffice the purpose.

Accordingly, the present petition is allowed. The petitioner is directed to appear before the investigating officer/Magistrate within a period of 15 days from the date of receipt of certified copy of this order and on his doing so, he shall be released on bail to the satisfaction of the arresting/investigating officer till submission of report under Section 173 Cr.P.C. (challan). The petitioner shall continue to join investigation and shall furnish an undertaking that he shall abide by the conditions specified under Section 438 (2) Cr.P.C. Thereafter, he will be permitted to furnish regular bail bonds to the satisfaction of the trial Court.

The present petition stands disposed off accordingly.

15.10.2020

Neha

**(FATEH DEEP SINGH)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No