

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

114

CRM-M No.34202 of 2020

DATE OF DECISION : 28th OCTOBER, 2020

Amjad Khan

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

=====

In virtual Court

=====

Present : Mr. Barjinder Singh, 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.143 dated 01.10.2020 registered under Sections 15 & 29 of the Narcotics Drugs & Psychotropic Substances Act, 1985 at Police Station City-1, Malerkotla, District Sangrur.

It is contended by learned counsel for the petitioner that the case against the petitioner is totally concocted. The petitioner is not involved in the crime as alleged against him. The petitioner has been involved only on the basis of the disclosure statement of the arrested co-accused, from whom 80 Kg. of poppy husk has been recovered. The petitioner has been sought to be described as the supplier of the material. However even during the interrogation of the arrested co-accused, nothing has been found by the police to connect the petitioner either to

the arrested co-accused or to the material recovered from him. It is further submitted that there is no other case against the petitioner. The petitioner shall join the investigation. Hence, the petitioner deserves to be protected against his arrest.

Notice of motion.

Mr. Randhir Singh Thind, DAG, Punjab, accepts notice on behalf of the State.

The learned State Counsel has submitted that there was specific secret information against the petitioner. Pursuant to the information the co-accused of the petitioner was arrested and 80 Kg. of poppy husk was recovered from him. However, it is not disputed that so far nothing has been found by the police to connect the petitioner either to the arrested co-accused or to the material recovered from him. It is also not disputed that there is no other case against the petitioner.

In view of the above, but without commenting upon merits of the case, the present petition is allowed. The petitioner is granted concession of anticipatory bail. Therefore, it is directed that in case of his arrest, the petitioner shall be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of Arresting/Investigating Officer. However, it is further directed that 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.

28th OCTOBER, 2020
'raj'

(RAJBIR SEHRAWAT)
JUDGE

Whether speaking/reasoned:

Yes

No

Whether Reportable:

Yes

No