

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

CRM-M-38156-2020

Date of decision: November 18, 2020

Gurpreet Singh and another

....Petitioners

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Brijeshwar Singh Bhalla, Advocate
 for the petitioners.

 Mr. Joginder Pal Ratra, DAG, Punjab.
 (through video conferencing).

ARVIND SINGH SANGWAN, J. (Oral)

This is the first petition under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioners in case FIR No.265 dated 19.8.2020 under Sections 21/22/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Maqboolpura, District Amritsar.

Counsel for the petitioners submits that as per the allegations in the FIR, 265 grams of heroin was recovered from the possession of co-accused Sukhbir Singh @ Sukh @ Patti. During the investigation, his disclosure statement was recorded by the police and he has named Gurbinder Singh, Ranjit Singh and Gurpreet Singh that they all are involved in the business of selling intoxicant substance.

Counsel for the petitioner submits that as per the disclosure of Sukhbir Singh, he has named co-accused Gurbinder Singh @ Romi as a person who has given him the heroin to deliver it to some

person in a different village, however, he could not effect delivery to him and later on, he was arrested by the police.

Counsel for the petitioners further submits that in the disclosure, the reference of the petitioners are that they have taken some land on lease near the border and on that count they have been nominated in the case. Counsel for the petitioners has further submitted that the petitioners are not involved in any other case; they are the first offender and except the disclosure, which is also not direct against the petitioners, there is no other evidence.

The learned State counsel has read-over the disclosure of main accused Sukhbir Singh, who is stated so that co-accused Gurbinder Singh @ Romi has given him the heroin to deliver it to some other village, however, that person was not found.

In view of the same, I find that merit in the present petition and, accordingly, the same is allowed and they be admitted to bail, subject to conditions as envisaged under Section 438(2) Cr.P.C.

It will be open for the Investigating Officer to issue a notice in writing for joining the investigation, if so required.

It will be open for the prosecution to apply for cancellation of bail if the petitioners fails to joined the investigation or at a subsequent stage they are found involved in any other case.

November 18, 2020
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(ARVIND SINGH SANGWAN)
JUDGE

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