

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

CRM-M-35560-2019

Date of Decision:-26.2.2020

DEEPAK KHURANA

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Vijay K. Jindal, Advocate
for the petitioner.

Mr. Randhir Singh Thind, DAG, Punjab
assisted by ASI Dilbag Singh.

GURVINDER SINGH GILL, J.

1. The petitioner has approached this Court seeking grant of anticipatory bail in a case registered against him vide FIR No.98 dated 21.6.2019 under Sections 21/29 NDPS Act at Police Station City Patti, District Tarn Taran.
2. It is the case of prosecution that a secret information was received to the effect that Surjit Singh and Harjit Kaur indulged in the business of intoxicants and that they were coming with huge quantity of intoxicating substance after taking the same from the petitioner Deepak Khurana resident of Moga. Pursuant to receipt of said information barricading was held and one Innova car bearing registration No.MH43-D-8597 was signalled to stop. The said Innova vehicle was being driven by one young person and a lady was sitting besides him. Upon search of the said

persons 800 grams of 'Heroin' was recovered from the person namely Surjit Singh while 200 grams of 'Heroin' was recovered from the lady namely Harjit Kaur. It is further the case of prosecution that during the course of interrogation aforesaid two persons, they disclosed that they had procured the aforesaid contraband from the petitioner Deepak Khurana.

3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and that he was never arrested at the spot and is sought to be nominated as an accused on the alleged secret information and the alleged disclosure statement made by co-accused, the veracity and admissibility of which would be debatable.
4. Opposing the petition, the learned State counsel has submitted that since there was definite prior information against the petitioner and he is specifically named in the FIR, no case for grant of bail is made out particularly since he is also involved in other cases registered under the NDPS Act. It has however been informed that the petitioner has since joined investigation.
5. I have considered rival submissions addressed before this Court. Keeping in view the fact that the petitioner was not arrested at the spot and is sought to be nominated as an accused on the basis of secret information and the alleged disclosure statement made by co-accused, the veracity and admissibility of which would be debatable during the course of trial and while also bearing in mind that the petitioner has joined investigation, the present case is not such which would warrant custodial interrogation. The petition, as such, is accepted and the interim directions issued by this

Court vide order dated 26.9.2019 are hereby made absolute subject to the condition that the petitioner shall continue to appear before the Investigating Officer as and when called upon to do so and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

6. It is, however, clarified that none of the observations made above shall be construed to be an expression on merits of the main case.

(GURVINDER SINGH GILL)
JUDGE

26.2.2020
Gaurav Sorot

Whether reasoned / speaking? **Yes / No**

Whether reportable? **Yes / No**