

CRM-M-44283-2020 (O&M)

Date of Decision : 30.12.2020

Beant Singh alias Harman

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGANPresent :- Mr. Sarvesh Kumar Gupta, Advocate
for the petitioner.

Mr. Amit Mehta, Sr. DAG, Punjab.

AVNEESH JHINGAN, J.(Oral)

The matter is taken up for hearing through video conference due to Covid-19 situation.

This is a petition under Section 438 of Cr.P.C. seeking pre-arrest bail in FIR No.252, dated 13.12.2020, under Sections 21/61/85 of NDPS Act, 1985, registered at Police Station Amargarh, District Sangrur.

As per the FIR, a secret information was received that Beant Singh @ Harman is in habit of selling smack and even today he was selling the same in car bearing registration No.PB-11X-6968. The information was acted upon and 04 grams of heroin was recovered from the conscious possession of the petitioner.

Mr. Gupta submits that the petitioner has been falsely implicated. No recovery was made from the conscious possession of the

petitioner. It is argued that the alleged recovery is of non-commercial quantity. No other case is pending against the petitioner.

Learned counsel for State opposes the prayer.

Considering the fact that alleged recovery is of non-commercial quantity, no recovery is to be made from the petitioner and it is the only case registered against the petitioner, the petitioner is granted pre-arrest bail subject to his joining investigation within one week from today.

In case the petitioner is arrested, he shall be released on bail on his furnishing adequate bail/surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall join the investigation as and when called for. He shall also abide by the conditions as envisaged under Section 438 (2) of Cr.P.C.

The petition is allowed.

In case the petitioner fails to join the investigation within one week from today, the State shall be at liberty to move an application for recalling of this order.

(AVNEESH JHINGAN)
JUDGE

30.12.2020
Manpreet

Whether reasoned / speaking	Yes
Whether reportable	No