

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRM-M-39397-2019**

Date of decision: February 06,2020

Rajwinder Singh @ Happy

....Petitioner

Versus

State of Punjab and others

Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Jatinder Singh Dadwal, Advocate for
Mr. Amit Arora, Advocate
for the petitioner.

Mr. M.S. Nagar, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for issuance of direction to respondents No.1 to 3 to protect the petitioner from the illegal threatening and harassment at the hands of respondents No.5 and 6 and also allow him to cultivate the land and in, case he is wanted in some other case(s), 07 days advance notice under Section 160 Cr.P.C. be given to the petitioner.

Counsel for the petitioner submits that on an earlier occasion the petitioner was also involved in two cases, however, he stands acquitted in FIR No.195 vide judgment dated 30.3.2017 and in FIR No.90 vide judgment dated 21.9.2017 and now, on the basis of a disclosure statement of the co-accused he is booked in FIR No.60 dated 29.6.2019 under Section 21 of the NDPS Act.

Reply by way of affidavit of Deputy Superintendent of Police, Sub Division Valtaha, Camp at Bhikhiwind, District Tarn Taran is filed today in the Court and as per the same, it is stated that FIR No.60 dated 29.6.2019 was registered against accused Shubeg Singh @ Shega s/o Sarabjit Singh and Mandeep Singh @ Sarabjit Singh alias Shabba on account of chance recovery of 550 grams of heroin from each of them. Thereafter, both of them were arrested and they had made disclosure statement that they have brought the heroin from Sukha Singh, resident of Samara near Fatehgarh Churhian, District Gurdaspur and it was to be delivered to petitioner-accused-Rajwinder Singh @ Happy. The copies of the disclosure statements are attached with the file as Annexure R-1 and R-2.

Learned State counsel, on instructions from ASI Sahib Singh further submits that on the basis of the said disclosure statement, the petitioner was nominated as an accused in this case. It is further stated that in compliance of order dated 25.11.2019 passed in CRM-M-45590-2019, the petitioner had joined the investigation and challan qua the aforesaid two persons, who were arrested at the spot stands presented. It is also stated that the petitioner was earlier involved in the FIRs i.e. FIR No.217 dated 16.9.2017 under Section 22/61/85 NDPS Act registered at Police Station Bhikhiwind, District Tarn Taran; FIR No.60 dated 29.6.2019 under Sections 21/29/61/85 NDPS Act, under Sections 177/419/472/468/471 IPC, registered at Police Station Bhikhiwind and FIR No.86 dated 30.8.2019 under Section 27-A/61/85 NDPS Act registered at Police Station Bhikhiwind.

Considering the submissions made by counsel for the petitioner as well as by the learned State counsel, as the petitioner has already availed the remedy of filing of anticipatory bail, no further action is called for in the present petition, especially in view of the fact that apart from the present FIR, the petitioner is involved in 02 more FIRs.

Disposed of accordingly.

However, liberty is granted to the petitioner to approach the trial Court for redressal of his grievances, if any.

February 06, 2020
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(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No