

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-1172-2020 (O&M)
Date of Decision:-24.11.2021

Sikandar Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Kanwaljit Singh Brar, Advocate for the petitioner.

Mr. Harbir Sandhu, AAG, Punjab,
assisted by ASI Beant Singh.

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.177 dated 20.10.2019 at Police Station Sadar, Faridkot, District Faridkot under Section 22 of Narcotic Drugs & Psychotropic Substances Act.
2. As per the case of prosecution, a secret information was received by the police to the effect that Sikandar Singh and his mother Mukhtiar Kaur indulged in sale of intoxicant tablets and that in case a raid is conducted, huge quantity of such tablets could be recovered from their house. It is further the case of prosecution that pursuant to receipt of said information, a raid was conducted at the house of aforesaid Sikandar Singh and his mother and 20,000 tablets of '*Tramadol*' were recovered. While Mukhtiar Kaur was

arrested at the spot, but Sikandar Singh (petitioner) is alleged to have fled away from the spot.

3. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case and that, in any case, the petitioner cannot be attributed conscious possession of the contraband as there are other members of the family residing in the same house from where the recovery is alleged to have been effected.
4. Opposing the petition, learned State counsel has submitted that since the petitioner and his mother were jointly into drug trafficking and huge quantity of contraband had been recovered from the house of the petitioner and infact his mother had also been arrested at the spot, the petitioner cannot feign ignorance about the presence of contraband in his house and can well be attributed conscious possession of the same. It has further been informed that the petitioner also stands involved in one more case under Narcotic Drugs & Psychotropic Substances Act. Learned State counsel has, however, informed that pursuant to interim directions, the petitioner has joined investigation and is not required for any custodial interrogation.
5. I have considered the aforesaid submissions.
6. It is not in dispute that the petitioner was not arrested at the spot. Though it is correct that recovery of huge quantity of contraband was effected from the residence of the petitioner and his mother was arrested at the spot and there was specific information against the petitioner and his mother but keeping in view the fact that the petitioner at the time when recovery was effect, was not present, the question as regards his conscious possession would be debatable. In any case, since the petitioner has already joined investigation and is not

stated to be required for any custodial interrogation, the petition is accepted and the interim directions issued by this Court vide order dated 4.2.2020 are hereby made absolute, subject to the condition that the petitioner shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438(2) Cr.P.C.

24.11.2021

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No