

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

CRM-M-6035-2021

Date of decision :17.08.2021

Ranjit Singh

... Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Vishal Aggarwal, Advocate for the petitioner.

Mr. Saurav Khurana, Deputy Advocate General, Punjab.

(Through Video Conferencing)

VIKAS BAHL, J. (ORAL)

This is a first petition filed by the petitioner under Section 438 Cr.P.C for grant of concession of anticipatory bail in case FIR No.216 dated 25.12.2020 (Annexure P-1) under Sections 21 and 25 of the NDPS Act, 1985 registered at Police Station Sadar Khanna, District Ludhiana.

On 10.02.2021 when the matter had came up for hearing, a Coordinate Bench of this Court was pleased to pass the following order:-

“The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

Learned counsel for the petitioner submits that as per the FIR, recovery of 11 grams of heroin was effected from co-accused Taranjit Singh, who happens to be brother of the petitioner. The allegation against the petitioner is that he was with co-accused Taranjit Singh and managed to flee from the scene of occurrence, which is practically not possible that too

in the presence of police-party. He further submits that there is no other case against the petitioner.

Notice of motion for 28.04.2021.

In the meanwhile, in the event of arrest of the petitioner, he shall be released on ad interim bail to the satisfaction of the arresting officer.

However, the petitioner shall join the investigation as and when directed by the investigating agency and shall abide by the terms and conditions laid down under Section 438(2) Cr.PC.”

Learned counsel for the petitioner has submitted that petitioner has joined the investigation and nothing was recovered from the petitioner and even the alleged recovery from his brother is of non-commercial quantity.

Learned State counsel has submitted that after passing of the said order, the petitioner has been involved in another FIR No.55 of 2021 dated 14.04.2021. It has further been stated that the petitioner had joined the investigation after seeking protection warrants in the other FIR.

Learned counsel for the petitioner has also stated that even in the above-said FIR, the petitioner has been released on bail.

Learned counsel for the petitioner has also relied upon an order passed by Coordinate Bench of this Court in **CRM-M-12051-2020 “Mewa Singh Vs. State of Punjab”** and submitted that the case of the petitioner be considered as per the allegations in the present FIR, as per which no recovery has been made against the petitioner. It is further stated that on the date of the FIR and on the date of grant of interim protection, the petitioner was not

involved in any other case and the petitioner is innocent even in the subsequent case in which he is being involved.

Keeping in view, the facts and circumstances of the fact that no recovery has been made from the petitioner and even the alleged recovery from the co-accused is of non-commercial quantity and the petitioner has joined the investigation.

In view of the above, this Court deems it appropriate to allow the present petition and grant anticipatory bail to the petitioner.

Accordingly, the present petition is allowed and interim order dated 10.02.2021 is ordered to be made absolute.

However, nothing stated above shall be construed as an expression of opinion on the merits of the case.

(VIKAS BAHL)
JUDGE

17.08.2021
JITESH (JTS)

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