

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

-.-

CRM M 18023 of 2021

Date of decision: 29.04.2021

Shehzad alias Kaka alias Gandhi

.....*Petitioner*

Versus

State of Punjab

.....*Respondent*

Coram: Hon'ble Mr. Justice Rajbir Sehrawat

-.-

In virtual Court

Present: Mr. Vikas Arora, Advocate
for the petitioner

-.-

Rajbir Sehrawat, J. (Oral)

The present petition has been filed by the petitioner under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail in case FIR No. 0043 dated 02.04.2021 registered under Sections 18/21/22 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Amargarh, District Sangrur.

It is submitted by counsel for the petitioner that the case against petitioner is totally concocted. The petitioner has been sought to be involved in the present case only on the basis of the alleged disclosure statement made by the co-accused from whom heavy recovery of contraband is stated to have been made. However, the petitioner does not have any connection with the said co-accused or the contraband recovered from him.

Even during investigation of the said co-accused, nothing has come in

evidence to connect the petitioner with the alleged recovered material, except the disclosure statement of the co-accused. It is also submitted that there is no other case against the petitioner.

Notice of motion.

Mr. Amit Mehta, Sr. DAG, Punjab accepts notice on behalf of the State.

Counsel for the State, on instructions from ASI Harwinder Singh, has submitted that there is heavy recovery involved in the case. The arrested co-accused has specifically named the petitioner as a person from whom he had purchased the contraband some time earlier. However, it is not disputed that during investigation of the arrested co-accused, the police have not been able to collect any material to connect the petitioner with the recovered material or to arrested co-accused. It is also not disputed that there is no other case against the petitioner.

In view of the above submissions, but without commenting upon merits of the case, the present petition is allowed. The petitioner is granted concession of anticipatory bail. Therefore, it is directed that in case of his arrest, the petitioner shall be released on bail subject to his furnishing bail bounds/surety bonds to the satisfaction of the Arresting/Investigating Officer. However, it is further directed that the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions, as proved under section 438 (2) Cr.P.C.

(Rajbir Sehrawat)
Judge

29.04.2021
Mohan Bimbra

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