

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

-.-

CRM M 18200 of 2021

Date of decision: 29.04.2021

Manpreet Singh

.....*Petitioner*

Versus

State of Punjab

.....*Respondent*

Coram: Hon'ble Mr. Justice Rajbir Sehrawat

-.-

In virtual Court

Present: Mr. Prashat Vashisth, 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. 29 dated 22.02.2021, registered under Section 18 of the Narcotics and Psychotropic Substances Act, 1985 (in short, 'the NDPS Act') at Police Station Machhiwara, District Khanna.

It is submitted by counsel for the petitioner that the case against the petitioner is sought to be created only on the basis of disclosure statement of the co-accused, who has been arrested with some quantity of contraband material. Even the quantity so recovered from the arrested co-accused is non-commercial in nature. Although the petitioner is having some cases under the Punjab Excise Act, however, there is no other case against the petitioner under the NDPS Act.

Notice of Motion.

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

the State.

Counsel for the State, on instructions from ASI Jarnail Singh, has submitted that since the co-accused, who was arrested with the contraband material, has named the petitioner as the supplier of the said material, hence, custodial interrogation of the petitioner would be required. It is further submitted that there are three more cases against the petitioner under the Punjab Excise Act. However, it is not disputed that except the disclosure statement of the arrested co-accused and the fact that the co-accused belongs to the same village as to that of the petitioner, there is nothing on record to even remotely suggest that the petitioner had any connection with the recovered material or any prior transactions with the said arrested co-accused. It is also not disputed that there is no other case against the petitioner under the NDPS Act.

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 Bimbura

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