

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

CRM-M-18822-2021.

Date of Decision: 20 May, 2021

SAHIL KUMAR

..... PETITIONER(s)

Versus

STATE OF PUNJAB

..... RESPONDENT(s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Lalit Pathak, Advocate
for the petitioner.

Ms. Samina Dhir, DAG, Punjab.

LISA GILL, J.

This matter is being taken up for hearing through video conferencing due to the outbreak of pandemic, COVID-19.

Prayer in this petition is for grant of anticipatory bail to the petitioner in FIR No.155 dated 07.04.2021, under Sections 21(a) of NDPS Act, 1985, registered at Police Station Division No.5, Ludhiana, District Ludhiana.

Learned counsel for the petitioner submits that petitioner is sought to be falsely implicated in this case merely on the basis of disclosure statement of the co-accused Inderjit Singh, who was apprehended on the spot with 5 grams of heroin. Learned counsel submits that apart from the said disclosure statement, there is no other evidence on record to connect the present petitioner with the alleged offence. Learned counsel further points

out that learned Special Court, Ludhiana has wrongly observed that petitioner is involved in four other FIRs, whereas it is only FIR No.327 of 20.09.2019 under Sections 21,29,61,85 of the NDPS Act, at P.S. Division No.5, which is pending against petitioner and petitioner is on bail in the said case and it is probably due to pendency of the said petition that he is sought to be falsely implicated in the present case as well. It is stated that petitioner undertakes to fully cooperate with the investigating agency.

Learned counsel for the State opposes this petition but is unable to point out any evidence on record at this stage against the petitioner except disclosure statement of the co-accused Inderjit Singh from whom alleged recovery of 5 grams of heroin has been effected. Learned counsel for the State, on instructions from ASI Mukhtiar Singh verifies that petitioner is involved in FIR No.327 only, in which he is on bail and is not involved in 3 other FIRs as mentioned in order dated 30.04.2021, passed by the learned Special Court, Ludhiana.

There are no allegations on behalf of the State that the petitioner is likely to abscond or not be available to face trial.

Keeping in view the facts and circumstances as above but without commenting upon or expressing any opinion on the merits of the case, this petition is allowed. The petitioner shall join investigation as and when required by the investigating agency and shall fully cooperate in the investigation of this case. In the event of his arrest, petitioner be released on bail to the satisfaction of Investigating Officer. Petitioner shall comply with the conditions stipulated in Section 438(2) Cr.P.C.

It is clarified that none of the observations made hereinabove shall be construed to be a reflection on the merits of the case. The same are solely confined for the purpose of decision of the present petition.

20.05.2021

(LISA GILL)

Sunil

JUDGE

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