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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.33758 of 2021 (O&M)

Date of decision: 19.08.2021

Gurpreet Singh @ Gopa

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. S.L. Chander Shekhar, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for grant of anticipatory bail to the petitioner in FIR No.39 dated 15.05.2021 registered under Sections 21/29 of the NDPS Act at Police Station Sadar Abohar, District Fazilka.

Counsel for the petitioner has argued that as per the case of the prosecution, the police party headed by ASI Som Parkash, received an information that the co-accused Meharban Singh @ Prince, Harpreet Singh @ Pintu and Gurpreet Singh, are habitual of procuring Heroin at cheap rates and are selling the same to the drug addicts in the area. On this, all the co-accused were arrested and 95 gms. of Heroin was recovered. On the basis of the disclosure statement of the aforesaid 02 persons, the name of the petitioner surfaced as the supplier of the drugs.

Counsel for the petitioner has further submitted that the petitioner is not involved in any other case and he has been falsely implicated only on the basis of the disclosure statement of the co-accused. It is also submitted that the FIR was registered on 15.05.2021

CASE HEARD THROUGH VIDEO CONFERENCING

and the name of the petitioner was added vide DDR dated 02.06.2021 i.e. after a period of 17 days, which show that the disclosure statement of the co-accused is not trustworthy and has been procured later on.

Counsel for the State, on instructions from ASI Sahab Singh, has not disputed the factual position that the petitioner is not involved in any other case. It is also not disputed that the petitioner was nominated on the basis of the disclosure statement of the co-accused.

After hearing the counsel for the parties, considering the fact that the petitioner has been nominated in the case on the basis of the disclosure statement of the co-accused; he is not involved in any other case, this petition is allowed and the petitioner is directed to appear before the Investigating Officer within a period of 10 days from today to join the investigation and he will be released on interim bail subject to the conditions envisaged under Section 438(2) Cr.P.C.

It will be open for the Investigating Officer to call the petitioner, as and when required, to join the investigation, by issuing an advance notice in writing.

Disposed of.

(ARVIND SINGH SANGWAN)
JUDGE

19.08.2021
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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No