

IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

SANJIV KUMAR SHARMA
2021/10/13 15:37
I attest to the accuracy and
authenticity of this document

CRM-M-43188-2021

Date of decision : 13.10.2021

Vishal

..... Petitioner (s)

Versus

State of Punjab

..... Respondent (s)

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. Siddharth Gupta, Advocate
for petitioner (s).

Mr. Amitoj Singh Dhaliwal, DAG Punjab.

(Through Video Conferencing)

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HARINDER SINGH SIDHU, J.

This is petition filed under Section 438 Cr.P.C. for grant of anticipatory bail in FIR No. 132 dated 13.6.2020 registered under Sections 21, 25, 27 of NDPS Act, 1985 at Police Station Canal Colony Bathinda, District Bathinda.

As per allegations, on 13.6.2020, the police party spotted Mandeep Singh, Vishal (petitioner) and Anshul. Mandeep Singh was seen carrying polythene bag containing certain contraband on the bonnet of Vista Car whereas co accused Vishal (petitioner) and Anshul were found standing near the car. The polythene was found to contain 25 grams of heroin. It was taken into police possession.

The petitioner and co accused were arrested. A dope test of the petitioner and Anshul was got conducted, pursuant to which both were found to have consumed narcotic substance. Consequently, they were released on personal bonds by the SI/Officer Incharge. After completion of investigation, challan against petitioner and co accused Anshul was presented under Section 27 of NDPS Act. The petitioner and co accused were summoned. The petitioner filed petition for grant of anticipatory bail which has been dismissed by learned Special Court, Bathinda. The petitioner, thereafter filed an application under Section 441 Cr.P.C. praying for accepting his bail bonds which has also been dismissed.

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Learned counsel for petitioner submits that the petitioner was only consuming the contraband. He was not found in possession of contraband. The case is now listed before the learned trial Court for appearing of petitioner on 12.11.2021. He undertakes that the petitioner is ready and willing to face the trial and shall appear before the learned trial Court on any date to be fixed by this Court.

Notice of motion.

Mr. Amitoj Singh Dhaliwal, DAG Punjab accepts notice on behalf of State.

Having heard learned counsel for parties and taking into account the facts of present case, this petition is disposed of with the observation that the petitioner may appear before the learned trial Court on or before the date fixed. On his doing so, he shall be enlarged on bail by the trial Court subject to his furnishing bail bonds and surety bonds to its satisfaction. He shall also file an undertaking before the concerned Court to continue appearing as and when required apart from following all terms and conditions fixed in this respect.

(HARINDER SINGH SIDHU)
JUDGE

13.10.2021
sjks

Whether reasoned order : Yes / No

Whether reportable : Yes / No