

CRM-M-45598 of 2021

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

(Proceedings through video conferencing)

CRM-M-45598 of 2021
Date of decision: 01.11.2021

Narender

.....Petitioner

vs.

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: Mr. Lupil Gupta, Advocate, for the petitioner.
Mr. C.L. Pawar, Sr. DAG, Punjab.

ASHOK KUMAR VERMA, J. (ORAL)

Through instant petition under Section 438 Cr.P.C. petitioner seeks the grant of anticipatory bail in FIR No.139 dated 29.07.2021 registered under Sections 21, 25 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station Sardulgarh, District Mansa.

As per prosecution version, on 29.07.2021, during patrolling in the area of village Karndi, police party headed by ASI Sukhwinder Singh apprehended two persons, who were riding on a motorcycle and on being stopped by the police party, said persons tried to U-turn the motorcycle and threw a plastic envelop on the ground and upon checking, it was found containing intoxicating substance. On enquiry, said persons disclosed their names as Vinod Kumar son of Krishan Lal and Sajjan Singh son of Ram Sarup and four grams of heroin was recovered from their possession. They were arrested on the spot. During investigation

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accused Vinod Kumar and Sajjan Kumar disclosed that they had brought the heroin from the petitioner and his name was added vide DDR No.57 dated 29.07.2021.

Learned counsel for the petitioner contends that petitioner has been falsely implicated in the present case. He was not present on the spot. Alleged recovery of heroin has been made from the co-accused of the petitioner. Petitioner has been arrayed as accused on disclosure statement of his co-accused, which is a very weak type of evidence. No recovery has been effected from the petitioner. There is no other criminal case pending against the petitioner. He is ready to join the investigation.

On the other hand, learned State counsel vehemently opposed the grant of anticipatory bail to the petitioner.

I have heard learned counsel for the parties and gone through the record.

Considering overall facts and circumstances, present petition is disposed of with a direction to the petitioner to join the investigation and remain present as and when called for and in the event of arrest, the petitioner shall be admitted to bail on his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C.

November 01, 2021
R.S.

(Ashok Kumar Verma)
Judge

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No