

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-49954-2021 (O&M)
Date of decision: 20.12.2021

Kuldeep Singh @ Keepa and another

... Petitioners

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Deepanshu Mehta, Advocate
for the petitioners.

Mr. Ramdeep Partap Singh, AAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of anticipatory bail in FIR No.223 dated 08.11.2021 under Sections 21, 27-A of NDPS Act and Sections 77 & 78 of Juvenile Justice (Care & Protection of Children) Act, registered at Police Station Baghapurana, District Moga.

Learned counsel for the petitioners submits that the petitioners are real brothers and since their birth, they are living in Village Sangatpura and are doing the agricultural work and till date, no case under NDPS Act has been registered against them. In fact, on a previous occasion, mother of the petitioners Sarabjit Kaur had given a complaint against one Bhajan Singh with

SHO on 03.11.2021 and now this FIR has been registered on the basis of secret information that the petitioners are involved in selling of heroin to the minor children. On the same day, house of the petitioners was raided and nothing incriminating was found. During investigation, statement of one witness i.e. Arshdeep Singh son of Bhajan Singh, against whom, mother of the petitioners had given a complaint prior to registration of the present FIR, is recorded by the police and except that there is no witness in the entire village to depose against the petitioners.

Affidavit of ASI Varinder Kumar, CIA Staff, Baghapurana, filed in the Court today, is taken on record. In this affidavit, it is not disputed that there is only one witness i.e. Arshdeep Singh son of Bhajan Singh.

After hearing learned counsel for the parties, considering the aforesaid facts and circumstances of the case and also in view of the fact that there appears to be enmity between the families of the petitioners and Bhajan Singh, whose son had given complaint to the police; there is no other witness except Arshdeep Singh and after the raid, nothing incriminating was found from residence of the petitioners; they are not involved in any other case, this petition is allowed and the petitioners are granted the concession of anticipatory bail subject to the conditions envisaged under Section 438 (2) Cr.P.C.

[ARVIND SINGH SANGWAN]
JUDGE

20.12.2021
vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No