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

CRM-M-11117-2022

Date of decision:16.03.2022

SARABJEET SINGH ALIAS SARBA

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. Siddharth Gupta, Advocate
for the petitioner.

Ms. Samina Dhir, DAG, Punjab.

SURESHWAR THAKUR, J. (ORAL)

1. In FIR No.0009 of 25.02.2022, registered at Police Station Nandgarh, District Bathinda, offences constituted under Sections 21 & 29 of NDPS Act, 1985, are embodied.

2. The learned State counsel on instructions meted to her by ASI Mehanga Singh, makes a fair submission before this Court, that though heroin, became recovered from the alleged conscious, and, exclusive possession of co-accused one Balkaran Singh, yet, the bail petitioner, was accompanying him at the crime site, and, had fled from the crime site. *Prima-facie* his fleeing from crime site is suggestive of conduct inconsistent with his innocence. She also makes a very candid submission before this Court, that the weight of heroin, as recovered at the crime site, from the alleged conscious, and, exclusive possession of the principal offender, is about two grams. Since the weight of the seizure makes it fall within the ambit of small quantity thereof. Therefore, the rigors of Section 37 of the NDPS Act, are not applicable thereons, and, the bail petitioner becomes

entitled to his being admitted to anticipatory bail.

3. Consequently, the bail petition allowed, and, the petitioner is admitted to anticipatory bail, and, the investigating officer may not arrest the bail petitioner, however, subject to his furnishing personal, and, surety bonds in the sum of Rs.50,000/- each, to the satisfaction of the arresting officer, and, also subject to his rendering co-operation to him, in the investigations to be carried into offences mentioned in the present FIR. In addition, he shall not tamper with prosecution evidence nor shall influence the prosecution witnesses.

4. Disposed of.

5. Dasti copy.

(SURESHWAR THAKUR)
JUDGE

16.03.2022

Ithlesh

Whether speaking/reasoned:-
Whether reportable:-

Yes/No
Yes/No