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

CRM-M-34957-2022

Date of decision:08.08.2022

MANPREET SINGH

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. J.K. Singla, Advocate for the petitioner.

Mr. Bhupender Beniwal, AAG, Punjab

SURESHWAR THAKUR, J. (ORAL)

1. The petitioner, by filing the present petition cast under Section 438 of Cr.P.C., seeks grant of anticipatory bail in case FIR No.136 of 06.10.2021, registered at Police Station City Budhlada, District Mansa, wherein offences constituted, under Section 22, 29 of NDPS Act, are embodied.

2. At the crime site, from the alleged conscious, and, exclusive possession of the principal offender 240 tablets of Alpraxafe 0.5 became recovered, by the investigating officer concerned. The weight of the above seizure makes it fall within the ambit of non-commercial quantity thereof, thereupon hence, the rigors of Section 37 of the NDPS Act are not applicable thereon, and, the bail petitioner becomes entitled to his being admitted to anticipatory bail.

3. The learned State counsel on instructions given to him, by ASI Kuldeep Singh submits that, it was during the course of the custodial interrogation of the principal offender, that he named the present petitioner to be the supplier thereof, and, hence makes the present petitioner to become tried

along with him, as a conspirator, by the learned Special Judge concerned, as and when he enters upon trial in respect of the petition FIR.

4. Be that as it may, since the weight of the seizure recovered, at the crime site, from the alleged conscious, and, exclusive possession of the principal offender, makes it fall within the ambit of non-commercial quantity thereof, and, when as above stated, since the rigors of Section 37 of the NDPS Act are not applicable thereons, as such this Court becomes constrained to admit the present bail petitioner, to anticipatory bail.

5. The further reason which constrains this Court, for admitting the present bail petitioner, to pre-arrest bail, is comprised in the factum, that at this stage, no evidence has been adduced by the prosecution, suggestive that in the event of the bail petitioner being admitted to anticipatory bail, there is every likelihood of his fleeing from justice or tampering with prosecution evidence or influencing the prosecution witnesses.

6. In consequence, the present petition is allowed, and, in the event of the arrest of the bail petitioner, 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 the offences mentioned in the present FIR, as and, when summoned through a written hukamnama served upon him. Moreover, also with an undertaking, that he shall not tamper with prosecution evidence, and, nor shall influence the prosecution witnesses.

08.08.2022

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(SURESHWAR THAKUR)
JUDGE

Whether speaking/reasoned:- Yes/No

Whether reportable: Yes/No

ITHLESH KUMAR
2022.08.08 17:22
I attest to the accuracy and
authenticity of this order