

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

204

**CRM-M-36576-2022
Date of Decision : 14.11.2022**

Gagan Singh @ Gurpreet SinghPetitioner

Versus

State of HaryanaRespondent

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present : Mr. Kunal Garg, Advocate
for the petitioner.

Mr. Munish Sharma, Asstt. A.G., Haryana
for the respondent-State.

ASHOK KUMAR VERMA, J. (ORAL)

The petitioner has filed the present petition under Section 438 of the Code of Criminal Procedure, 1973 (for short 'the Cr.P.C.') for grant of anticipatory bail in case FIR No.356 dated 24.07.2022 registered under Section 15 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the NDPS Act') at Police Station City Mandi Dabwali, District Sirsa.

As per prosecution version, on 24.07.2022, the police party headed by SI Kamal Singh, on the basis of suspicion, apprehended accused Gurpreet Singh @ Preet and Kuldeep Singh. On search, 8.6 kgs. of Doda Chura Post (Poppy Straw) was recovered from the plastic bag carried by accused Gurpreet Singh @ Preet. During interrogation, accused Gurpreet Singh @ Preet disclosed the name of the petitioner from whom he purchased the recovered contraband.

Learned counsel for the petitioner has filed his power of

attorney along with no objection from the earlier counsel in the Court today which is taken on record.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case on the basis of disclosure statement made by co-accused Gurpreet Singh @ Preet . The petitioner was not apprehended on the spot and nothing was recovered from him. Even otherwise, the contraband recovered from the co-accused falls under the category of non-commercial quantity. The petitioner has been arrayed as an accused on the basis of disclosure statement of his co-accused, which is a very weak type of evidence. The petitioner is not involved in any other case. The petitioner is already ready and willing to join the investigation.

On the other hand, learned State counsel vehemently opposed the grant of anticipatory bail to the petitioner on the ground that co-accused Gurpreet Singh @ Preet had purchased the alleged contraband recovered from him from the petitioner.

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

Keeping in view the facts and circumstances of the case, the fact that the contraband recovered from co-accused Gurpreet Singh @ Preet falls under the category of non-commercial quantity and the fact that there is no other evidence against the petitioner at this stage except the disclosure statement, but without commenting upon the merits of the case, the present petition for grant anticipatory bail is allowed and in the event of arrest, the petitioner shall be released on bail subject to furnishing personal bonds and surety to the satisfaction

of Arresting/Investigating Officer. The petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) of the Cr.P.C.

It is made clear, in case the petitioner fails to join the investigation, then the State could be at liberty to move an application for cancellation of the present anticipatory bail granted to the petitioner.

14.11.2022
Kothiyal

(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No