

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

208

**CRM-M-36958-2022
Date of Decision : 22.09.2022**

Harjinder Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present : Mr. Karanjeet Singh Brar, Advocate
for the petitioner.

Mr. Gurpreet Singh Sandhu, D.A.G., Punjab
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.139 dated 02.07.2022 registered under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the NDPS Act') at Police Station Sadar Samana, District Patiala (to which Section 29 of the NDPS Act was added later on).

As per prosecution version, on 02.07.2022, the police party headed by SI Harbans Singh, on the basis of suspicion, apprehended three persons namely Jagjot Singh @ Jot, Jaswinder Singh @ Manga and Sukhjinder Singh @ Bhatoo, who were going in a Car bearing registration No.DL-7-CP-0504. On search, 160 tablets of Tramadol, 100 tablets of Tramadol and 40 Tablets of Carisoprodol were recovered from them and 04 bottles of Chlorpheniramine Maleate and Codeine Phosphate Syrup Omerex found were recovered from the dash board of

the car. During interrogation, the petitioner was implicated in the case on the basis of disclosure statement of co-accused.

Learned counsel for the petitioner has filed his power of attorney along with no objection from the earlier counsel 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. The petitioner was not apprehended on the spot and nothing was recovered from him. The main accused-Jagjot Singh @ Jot, Jaswinder Singh @ Manga and Sukhjinder Singh @ Bhatoo, from whom the contraband was recovered, have already been granted regular bail by the Trial Court vide orders dated 05.08.2022 and 08.08.2022. 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 already ready and willing to join the investigation.

On the other hand, learned State counsel opposes the present petition in terms of status report filed by way of an affidavit dated 03.09.2022 of Sh. Saurav Jindal, PPS, Deputy Superintendent of Police, Circle Samana, District Patiala.

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 main accused Jagjot Singh @ Jot, Jaswinder Singh @ Manga and Sukhjinder Singh @ Bhatoo, from whom the contraband was recovered, have already been granted regular bail by the Trial

Court, the contraband recovered 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 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.

22.09.2022
Kothiyal

(ASHOK KUMAR VERMA)
JUDGE

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