

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

211

**CRM-M-37392-2022
Date of Decision : 11.10.2022**

Baljit Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present : Mr. Mikhail Kad, 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.49 dated 15.06.2021 registered under Sections 21 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the NDPS Act') at Police Station Sherpur, District Sangrur.

As per prosecution version, the police party headed by ASI Aadhar Singh was going towards Kheri Kala Barnala Road near Beas Ghar from main road Sherpur and then at about at about 12:05 p.m., they say one lady standing from the side of Beas Ghar. On seeing the police party, she got nervous and threw one plastic sack from her right hand and tried to run away. The police apprehended her and on search of plastic sack 09 gms. of heroin was recovered. During interrogation she disclosed the name of the petitioner who gave heroin to her.

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 Sunita Rani. The petitioner was not apprehended on the spot and nothing was recovered from him. The main accused-Sunita Rani, from whom the contraband was recovered, has already been granted regular bail by the Trial Court vide order dated 14.07.2021. Petitioner has been arrayed as 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 reply filed by way of an affidavit dated 01.09.2022 of Sh. Yogesh Kumar, PPS, Deputy Superintendent of Police, Sub Division Dhuri, Sangrur. Learned State counsel submits that co-accused Sunita Rani, who is the sister of the petitioner, has disclosed the name of the petitioner as supplier of the heroin. The petitioner is also involved in 03 other cases, out of which in 02 cases he is still facing trial and in 01 case he has been acquitted.

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 Sunita Rani, from whom the contraband was recovered, has already been granted regular bail by the Trial Court vide order dated 14.07.2021, 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 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 would be at liberty to move an application for cancellation of the present anticipatory bail granted to the petitioner.

11.10.2022
Kothiyal

(ASHOK KUMAR VERMA)
JUDGE

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