

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

103

**CRM-M-52518-2022
Date of Decision : 14.12.2022**

Paras Khosla

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present : Mr. Jasraj Singh, Advocate for the petitioner.

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.251 dated 27.09.2022 registered under Sections 21 and 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the NDPS Act') (to which Section 29 of the NDPS Act was added later on) at Police Station Model Town, District Hoshiarpur.

As per prosecution version, on 27.09.2022, the police party headed by ASI Gurdeep Singh doing patrolling duty in the area of Balbir Colony, Bhangi Bridge are Hoshiarpur. On suspicion, they apprehended accused-Vijay Kumar and on search 20 grams heroin, 1020 blue colour intoxicant capsules and drug money of Rs.15,000/- were recovered from black colour polythene bag carried by the accused. During interrogation, accused-Vijay Kumar disclosed the name of the petitioner from whom he purchased the alleged contraband.

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 Vijay Kumar which is a very weak type of evidence. The petitioner was not apprehended on the spot and nothing was recovered from him. The petitioner has nothing to do with the alleged contraband recovered from the co-accused. Except the disclosure statement, there is no evidence against the petitioner. The petitioner is not involved in any other case. Nothing has to be recovered from the petitioner and his custodial interrogation is not required in the case. The petitioner is already ready and willing to join the investigation.

Notice of motion.

On the asking of the Court, Mr. Joginder Singh Ratra, Senior D.A.G., Punjab, who is present in the Court, accepts notice and vehemently opposed the grant of anticipatory bail to the petitioner. However, he conceded the fact that the petitioner is not involved in any other case.

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 there is no other evidence against the petitioner at this stage except the disclosure statement of co-accused and the fact that the petitioner is not involved in any other case, 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.

14.12.2022
Kothiyal

(ASHOK KUMAR VERMA)
JUDGE

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