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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.52450 of 2022 (O&M)

Date of decision: 15.11.2022

Raja

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Ms. Jasneet Mehra, Advocate
for the petitioner.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for grant of anticipatory bail to the petitioner in FIR No.110 dated 23.08.2022 registered under Sections 21(B), 27 of the Narcotic Drugs and Psychotropic Substances Act (in short 'the NDPS Act') at Police Station 'C' Division, Amritsar, District Amritsar.

Counsel for the petitioner has argued that as per the allegations in the FIR, the police party headed by Sulakhan Singh, while on petrol duty, along with his co-police officials, he noticed that two persons were coming, carrying a White colour polythene bag. On seeing the police party, they became perplexed and the male person handed over the polythene bag to the lady accompanying him and ran away from the spot and an attempt was made to catch him, however, he succeeded in running away from the spot. The lady, who was accompanying him, was apprehended and disclosed her name as Amarjit Kaur and further disclosed that the boy, who ran away, is her son and disclosed his name as Raja i.e. the present petitioner.

Thereafter, the search/personal search of Amarjit Kaur was conducted and 20 gms of Heroin and an amount of Rs.1,79,500/- was recovered.

Counsel for the petitioner has referred to the FIR wherein the Investigating Officer, who arrested Amarjit Kaur further carried out the investigation by observing that ***“Since the recovery was effected suddenly, so no opportunity was there to fulfill other conditions”***. Even qua the investigation against Amarjit Kaur, neither any notice under Section 50 of the NDPS Act was given to her nor she was produced before any Gazetted Officer or the Magistrate and further no second Investigating Officer was called at the spot.

Counsel for the petitioner has further submitted that the recovery is of non-commercial quantity and the petitioner is not involved in any other case.

Notice of motion.

Mr. Navneet Singh, DAG, Punjab, who is present in the Court accepts notice on behalf of the respondent – State and on instructions from ASI Jaswinderpal Singh, could not dispute the fact that the petitioner is not involved in any other case and even, his mother Amarjit Kaur is also not involved in any other case.

After hearing the counsel for the parties, considering the fact that the petitioner is a young man aged about 26 years; he is a first offender and is also not involved in any other case, this petition is allowed and the petitioner is directed to appear before the Investigating Officer within a period of 15 days from today to join the investigation and he shall be released on interim bail on furnishing bail/surety bonds subject to the following conditions:-

1. *He shall make himself available for interrogation by a police officer as and when required;*
2. *He shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer; and*
3. *He shall not leave India without previous permission of the Court.*

Disposed of.

(ARVIND SINGH SANGWAN)
JUDGE

15.11.2022
yakub

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No