

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

211

(i) CRM-M-10081-2023
Date of decision : 21.03.2023

Himanshu Petitioner

V/S

State of Punjab Respondent

(ii) CRM-M-10894-2023
Date of decision : 21.03.2023

Sourav Petitioner

V/S

State of Punjab Respondent

CORAM : HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: Mr. Naveen Batra, Advocate
for the petitioners.

Mr. Joginder Pal Ratra, Senior D.A.G., Punjab
for the respondent-State.

ASHOK KUMAR VERMA, J. (ORAL)

This order will dispose of the above mentioned petitions as
the same have arisen out of the common FIR.

The petitioners have filed the present petitions 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.46 dated
06.02.2023 registered under Sections 22 and 29 of the Narcotic Drugs
and Psychotropic Substances Act, 1985 (for short 'the NDPS Act') at

CRM-M-10081-2023 and
CRM-M-10894-2023

2

Police Station Model Town, District Hoshiarpur.

As per prosecution version, on 06.02.2023 the police party headed by ASI Gurdeep Singh doing patrolling duty in the area of Roshan Ground, Police Station Model Town, Hoshiarpur. On suspicion, they apprehended accused-Harvinder Singh @ Binder and Gurvinder Singh @ Govinda and on search 1120 intoxicant tablets were recovered from black colour polythene bag carried by them. During interrogation, accused-Harvinder Singh @ Binder and Gurvinder Singh @ Govinda disclosed the name of the petitioners from whom they purchased the alleged contraband.

Learned counsel for the petitioners contends that the petitioners have been falsely implicated in the present case on the basis of disclosure statement made by co-accused Harvinder Singh @ Binder and Gurvinder Singh @ Govinda which is a very weak type of evidence. The petitioners were not apprehended on the spot and nothing was recovered from them. The petitioners have nothing to do with the alleged contraband recovered from the co-accused. Except the disclosure statement, there is no evidence against the petitioners. The petitioners are not involved in any other case under the NDPS Act. Nothing has to be recovered from the petitioners and their custodial interrogation is not required in the case. The petitioners are already ready and willing to join the investigation.

On the other hand, learned State counsel has vehemently opposed the grant of anticipatory bail to the petitioners. However, he

CRM-M-10081-2023 and
CRM-M-10894-2023

3

conceded the fact that the petitioners are not involved in any other case under the NDPS Act.

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 petitioners at this stage except the disclosure statement of co-accused and the fact that the petitioners are not involved in any other case, but without commenting upon the merits of the case, the present petitions for grant of anticipatory bail are allowed and in the event of arrest, the petitioners shall be released on bail subject to furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. The petitioners 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 petitioners fail to join the investigation, then the State will be at liberty to move an application for cancellation of the present anticipatory bail granted to the petitioners.

21.03.2023
kothiyal

(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No