

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

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CRM-M-11479-2023

Date of Decision : 18.04.2023

Manmohan Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

**CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA**

Present : Mr. Prince Sharma, Advocate for the petitioner.

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**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.74 dated 13.09.2022 registered under Sections 21 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the NDPS Act') at Police Station Valtoha, Tehsil Patti, District Tarn Taran.

Learned counsel for the petitioner contends that the petitioner was not apprehended on the spot and nothing was recovered from him. The petitioner has been falsely implicated in the present case on the basis of disclosure statement made by co-accused Jagbir Singh @ Jagga which is a very weak type of evidence. The petitioner has nothing to do with the alleged contraband recovered from co-accused Jagbir Singh @ Jagga. Even otherwise, the quantity of contraband recovered from co-accused i.e. 40 grams heroin falls under the category of non-commercial quantity. The petitioner is not involved in any other case under the NDPS Act. Nothing is 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 Pal Ratra, Senior

D.A.G., Punjab, who is present in the Court, accepts notice and

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vehemently opposed the grant of anticipatory bail to the petitioner. However, learned State counsel conceded the fact that the petitioner is 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 petitioner at this stage except the disclosure statement made by co-accused Jagbir Singh @ Jagga, the contraband recovered from co-accused falls under the category of non-commercial quantity and the fact that the petitioner is not involved in any other case under the NDPS Act, but without commenting upon the merits of the case, the present petition for grant of 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.

18.04.2023  
Kothiyal

(ASHOK KUMAR VERMA)  
JUDGE

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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |