

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

102

CRM-M-17556-2023

Date of Decision : 24.04.2023

Gurmeet Lal @ Teeta

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present : Mr. Manoj R. Sharma, Advocate for the petitioner.

ASHOK KUMAR VERMA, J. (ORAL)

1. The petitioner has filed the present petition under Section 438 Code of Criminal Procedure, 1973 for grant of anticipatory bail in in case FIR No.18 dated 10.03.2023 registered under Sections 22(c), 27(a) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Kalanaur, District Gurdaspur.

2. Learned counsel for the petitioner has contended that the petitioner was not apprehended on the spot and nothing was recovered from him. He has been falsely implicated on the basis of disclosure statement made by co-accused Om Parkash which is a very weak type of evidence. The petitioner has nothing to do with the alleged contraband recovery from the co-accused. Except the disclosure statement, the prosecution has no evidence against the petitioner. 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.

CRM-M-17556-2023

2

3. Notice of motion.
4. On the asking of the Court, Mr. Joginder Pal 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.
5. I have heard learned counsel for the parties and gone through the record.
6. Keeping in view the facts and circumstances of the case, the fact that the petitioner was not apprehended on the spot and nothing has been recovered from him, there is no other evidence against the petitioner at this stage except the disclosure statement made by co-accused Om Parkash 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 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.
7. 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.

24.04.2023

Kothiyal

(ASHOK KUMAR VERMA)
JUDGE

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