

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

CRM-M-30963-2023
Date of Decision: 06.07.2023

Rajbir Singh ...Petitioner

VS.

State of Punjab ...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Harpreet Singh Jakhal, Advocate
for the petitioner.

Mr. M.S.Bajwa, DAG, Punjab.

N.S.Shekhawat J. (Oral)

The petitioner has filed the instant petition under Section 438 of the Cr.P.C. with a prayer to grant a anticipatory bail in case FIR No.37 dated 12.05.2023 registered under Sections 22 and 29 of NDPS Act, at Police Station Harike, District Tarn Taran (Annexure P-1).

As per the case of the prosecution, the main accused, namely, Pargat Singh son of Pagga was apprehended by the police on the suspicion of carrying some manufactured drugs. He was apprehended by the police and 69 strips containing 10 tablets each of Tramadol Hydrochloride 100 mg were recovered from the possession of the said accused and he was arrested in the present case.

Learned counsel for the petitioner contends that the main accused, Pargat Singh has already been arrested and the recovery has been effected from

him. However, during the course of investigation, Pragat Singh had suffered a disclosure statement and he allegedly stated that he had taken the contraband from the present petitioner. Learned counsel contends that he was not involved in any crime and has been falsely involved as he happens to be cousin of Pragat Singh. He further contends that no other case was registered against him.

In compliance of the last order dated 21.06.2023, a status report by way of an affidavit of Deputy Superintendent of Police, Sub-Division Patti, District Tarn Taran has been filed in Court today and the same is taken on record.

Learned State counsel contends that serious and specific allegations have been levelled against the present petitioner and one more FIR No.82 dated 04.08.2006, under Section 61/1/14 of the Punjab Excise Act was also registered at Police Station Garike, District Tarn Taran against the present petitioner. However, he contends that in the said case, the petitioner has been ordered to be acquitted.

Without commenting on the merit of the case, the present petition is allowed. The petitioner is granted concession of anticipatory bail, subject to the conditions as provided under Section 438(2) of the Cr.P.C.

It will be open for the Investigating Officer to call the petitioner to join investigation, if so required, by issuing a written notice in this regard.

(N.S.SHEKHAWAT)
JUDGE

06.07.2023
hemlata

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