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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

-.-

CRM M 35730-2023
Date of Decision 26.07.2023

Pushpinder Kumar alias Pushpinder Singh alias Tinku*Petitioner*
versus
State of Punjab ...*Respondent*

Coram Hon'ble Mr. Justice Rajbir Sehrawat

Present: Mr. Ajay Pal Singh, Advocate for the petitioner
 Mr. Sandeep Singh, Additional Advocate General, Punjab

-.-

Rajbir Sehrawat, J, (Oral)

The present petition has been filed under Section 438 of the Code of Criminal Procedure, praying for grant of anticipatory bail to the petitioner in case FIR No. 160 dated 09.05.2023, registered under Sections 15, 18, 20, 21 and 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station City Hoshiarpur, District Hoshiarpur.

It is submitted by counsel for the petitioner that case against the petitioner is totally false, frivolous, concocted and the same has been registered at the behest of SI Surinder Kumar, Police Station City Hoshiarpur with a *mala fide* intention. There is nothing either with the police or on record to substantiate anything against the petitioner. The petitioner has been sought to be involved in the case only because of the earlier cases; which were fabricated in the same very manner against the petitioner. Hence, the petitioner deserves to be granted protection for

being arrested.

Notice of motion.

Mr. Sandeep Singh, Additional Advocate General Punjab accepts notice on behalf of the respondent State.

Counsel for the State, on instructions from SI Paramjit Singh, Police Station City, Hoshiarpur, has submitted that on a secret information to the effect that the petitioner was indulging in the business of narcotic drugs and substances, the police had gone to house of the petitioner. However, the said house was found locked. Therefore, the petitioner is involved in the offence. However, it is not disputed that nothing was recovered from the petitioner or from the alleged house of the petitioner.

In view of the above, it can safely be construed that there is nothing to support the case of the prosecution, even as per the assertions of the police. As such, the petitioner deserves to be protected against his arrest.

In view of the above, but without commenting anything on merits of the case, the present petition is allowed. In the event of arrest, the petitioner be released on bail, subject to his furnishing personal bonds/surety to the satisfaction of the Arresting/Investigating Officer. However, 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) Cr.P.C.

Still further, since the FIR has been got registered even before creating a basis for that, and due to the FIR, the petitioner has been put to the harassment and expenses, therefore, the person, who got the said FIR

registered against the petitioner without any basis is directed to pay a compensation of Rs.10,000/- to the petitioner within a period of four weeks from today.

A copy of this order be sent to the Senior Superintendent of Police, Hoshiarpur, for its necessary compliance.

(Rajbir Sehrawat)
Judge

July 26, 2023
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Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No