

102 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

[Date of Decision: July 28, 2023]

1.

CRM-M-36253-2023

Shiv Kumar and others

...Petitioners

Versus

State of Punjab

...Respondent
2.

CRM-M-36375-2023

Amandeep and others

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Raman Kumar, Advocate for
Mr. Rajeev K. Kapila, Advocate for the petitioner

DEEPAK GUPTA, J.(Oral)

Prayer in both the petitions filed under Section 438 Cr.P.C. is for grant of anticipatory bail in case FIR No.0209, dated 15.11.2022, registered at Police Station Garshankar, District Hoshiarpur under Sections 15, 18, 21, 22 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

FIR was lodged by the police, pursuant to the receipt of a secret information to the effect that petitioners and more than 100 other persons (total 120 persons) as named in the FIR, used to indulge in drugs trafficking and they were selling heroin, smack, poppy husk, and intoxicant tablets etc. since long in the surrounding area, adversely affecting the society.

It is contended by learned counsel for the petitioners that a false FIR has been registered on the basis of alleged secret information,

naming as many as 120 persons just to harass the petitioners. It is further contended that no recovery whatsoever has ever been effected from the petitioners nor they have been found to be involved in any other case.

Notice of motion.

Mr. Parneet Singh Pandher, AAG, Punjab accepts notice on behalf of respondent-State.

Learned State counsel could not refute the contentions of learned counsel for the petitioners.

Having regard to the aforesaid facts and circumstances, petitioners are allowed anticipatory bail. It is directed that in the event of arrest of the petitioners, they shall be admitted to anticipatory bail to the satisfaction of Investigation Officer. However, this shall be subject to their joining of the investigation, if and so required by the Investigating Officer and shall cooperate in the same. They shall also abide by the conditions as envisaged under Section 438(2) Cr.P.C.

Disposed of.

Both the petitions stand disposed of.

Photocopy of this order be placed on the connected case files.

July 28, 2023
sarita

(DEEPAK GUPTA)
JUDGE

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