

204-a

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

CRM-M-41243-2022

Date of decision: 01.05.2023

Jasbir Singh @ Hafshi

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR**Present:** Mr. Prateek Pandit, Advocate
for the petitioner.

Mr. Adhiraj Singh, AAG, Punjab.

NAMIT KUMAR, J. (ORAL)

1. Petitioner has filed the instant petition under Section 438 Cr.PC seeking anticipatory bail in case FIR No.118 dated 05.08.2022 under Sections 21/22/29 of the NDPS Act, 1985 registered at Police Station Subhanpur, District Kapurthala (Annexure P-1).

2. On 09.09.2022 the following order was passed:

“Through this petition, the petitioner seeks anticipatory bail in case bearing FIR No.118 dated 05.08.2022, registered at Police Station Subhanpur, District Kapurthala, under Sections 21, 22 and 29 NDPS Act, 1985.

Learned counsel for the petitioner contends that recovery of 08 gram heroin and 165 loose intoxicating tablets had allegedly been effected from co-accused, namely, Geeta, and that no recovery of contraband has been effected from the petitioner.

Learned counsel further contends that the petitioner has also been granted the benefit of anticipatory bail in FIR No.65 dated 28.04.2017, Police Station Subhanpur, District Kapurthala, under Sections 22, 27, 27-A and 29 NDPS Act, which was registered on the statement of one ASI Jasbir Singh. In the present case, aforesaid ASI Jasbir Singh is also the member of the police

party. Moreover in FIR No.65 dated 28.04.2017, no recovery had been effected from the petitioner. The petitioner has falsely been implicated in the present case.

Notice of motion for 10.10.2022.

In the meantime, no coercive action shall be taken against the petitioner.”

3. Learned counsel for the petitioner submits that the petitioner has been nominated as an accused only on the basis of the disclosure statement of co-accused Geeta and the alleged contraband was recovered from Geeta and as per FSL report, the same falls in the non-commercial category. He further submits that co-accused Geeta has been granted regular bail by the Ld. Judge, Special Court, Kapurthala vide order dated 01.10.2022.

4. Learned State counsel opposes the prayer for grant of concession of anticipatory bail to the petitioner in view of the allegations levelled against him.

5. I have heard learned counsel for both the parties and perused the record.

6. In view of the facts and circumstances of the case, the present petition is allowed. In the event of arrest, the petitioner shall be released on anticipatory bail subject to the satisfaction of the Arresting Officer/Investigating Officer. He shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

7. The present petition stands disposed off.

01.05.2023

Parveen kumar

**(NAMIT KUMAR)
JUDGE**

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