

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

210

CRM-M-40769-2023

Date of decision: 01.12.2023

Harvinder Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Dilpreet Singh Gandhi, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of anticipatory bail under Section 438 of the Cr.P.C. in case FIR No.135 dated 03.07.2023 under Sections 21 and 29 of the NDPS Act registered at Police Station Chheharta, District Amritsar.

2. On 22.08.2023, learned counsel for the petitioner has made the following submissions:-

“Learned counsel for the petitioner inter alia contends that though the petitioner was named in a secret information allegedly received by the police, however, it was a matter of record that the recovery of 410 grams of heroin was effected only from co-accused Sukhraj Singh. He submits that it is not even the case of the prosecution that at the relevant time the petitioner was accompanying co-accused Sukhraj Singh. It has been further submitted that the petitioner has been falsely implicated in the case on account of some political rivalry and fabricated disclosure statement allegedly made by co-accused Sukhraj Singh has been brought forth qua the involvement of the petitioner in the sale of heroin.

On a pointed query put to the learned counsel as to whether the petitioner has any criminal antecedents, he has replied in the negative.”

3. Thereafter, on 01.09.2023, the petitioner was granted interim bail and had been directed to join investigation.

4. Learned counsel for the petitioner submits that in compliance of order dated 01.09.2023, the petitioner has joined investigation and cooperated with the investigating agency.

5. Learned State counsel, on instructions from ASI Jatinder Singh, does not dispute the factum of the petitioner having joined investigation and cooperated with the investigating agency. He, on further instructions, submits that the petitioner has clean antecedents and is not involved in any other criminal case much less under the NDPS Act. He, on further instructions, submits that required for further investigation much less for his custodial interrogation.

6. In view of the above, the petition is allowed and interim order dated 01.09.2023, is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C. Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

01.12.2023

(MANJARI NEHRU KAUL)
JUDGE

Vinay

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