

102

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM M - 44544-2023
Date of decision: 06.09.2023*Barun Sharma alias Varun alias Rohit**.....Petitioner**Versus**State of Punjab**.....Respondent***Coram: Hon'ble Mr. Justice Rajbir Sehrawat**Present: Mr. Deepak Malhotra, Advocate
for the petitioner

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Rajbir Sehrawat, J. (Oral)

The present petition has been filed under Section 438 of the Code of Criminal Procedure, praying for grant of anticipatory/pre-arrest bail to the petitioner in case FIR No. 332 dated 14.11.2022, registered under Sections 21, 22, 29 and 61 of the Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station City District Hoshiarpur (Annexure P1).

It is submitted by counsel for the petitioner that the case against the petitioner is totally false and concocted. The petitioner is not involved in the crime as alleged against him. Even as per the story of the prosecution, the name of the petitioner has surfaced only on the basis of the disclosure statement of the co-accused from whom 1015 intoxicated tablets and 15 grams heroin, as well as, drug money, amounting to Rs.21,050/- had been recovered. Except the disclosure statement of the co-accused of the petitioner, there is nothing even with the police to connect the petitioner with the alleged crime in order to justify the arrest of the petitioner. The

petitioner shall join the investigation as and when called by the police.

Hence, the petitioner deserves to be protected against his arrest.

Notice of motion.

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

Counsel for the State, being instructed by ASI Nanak Singh has submitted that a heavy quantity of contraband material *i.e.* 1015 intoxicated tablets and 15 gram heroin, as well as, drug money amounting to 21,050/- was effected from the co-accused of the petitioner. The police need the custodial interrogation of the petitioner to unearth the true dimensions of the crime being committed by the petitioner. The petitioner does not deserves to be protected against his arrest. However it is not disputed that except the disclosure statement of the co-accused, there is nothing against the petitioner.

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/surety bonds 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.

(Rajbir Sehrawat)
Judge

September 06, 2023

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	Whether reportable	:	Yes/No