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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM M - 44604-2023
Date of decision: 06.09.2023*Kulwinder Singh**.....Petitioner**Versus**State of Punjab**.....Respondent***Coram: Hon'ble Mr. Justice Rajbir Sehrawat**Present: Mr. B S Bhalla, Advocate
for the petitioner

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Rajbir Sehrawat, J. (Oral)

1) 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. 33 dated 20.06.2023, registered under Section 21 (Section 29 added later on) of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Fatehgarh Panjtoor, District Moga (Annexure P-1).

2) 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 present case at all. Even as per the story of the prosecution, the name of the petitioner has been involved in the case only on the basis of the alleged disclosure statement of the co-accused from whom 22 grams of heroin was recovered. However, except the said disclosure statement, there is nothing even with the police to connect the petitioner to the alleged crime, despite the fact that the co-accused from whom the alleged contraband material was recovered, had been in the police custody for a long time. The petitioner

shall join the investigation as and when called by the police. Hence, the petitioner deserves to be protected against his arrest.

3) Notice of motion.

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

5) Counsel for the State, being instructed by ASI - Dilbagh Singh has submitted that the name of the petitioner has come up on the basis of disclosure statement of the co-accused from whom 22 grams heroin has been recovered. However, it is not disputed that, except the alleged disclosure statement, nothing has come up during the interrogation of the co-accused to connect the petitioner to the alleged crime.

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