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106 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-44777-2023

Date of Decision: 06.09.2023

Lakhbir Singh alias Lakhi

..... Petitioner

Versus

The State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. Madan Sandhu, Advocate,
for the petitioner.

RAJBIR SEHRAWAT, J. (ORAL)

1. The present first petition has been filed by the petitioner under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.289 dated 22.10.2022, registered under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985, (vide DDR No.16 dated 25.10.2022, offence under Section 29 of the NDPS Act was added later on) at Police Station Sultanpur Lodhi, District Kapurthala.

2. It is submitted by counsel for the petitioner that the case against the petitioners 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 1150 intoxicant tablets 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

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material was recovered, had been in the police custody for a long time. However, the petitioner undertakes to join the investigation as and when so required by the police. Hence, the petitioner deserves to be protected against his arrest.

3. Notice of motion.

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

5. Counsel for the State, being instructed by ASI Sukhdev Singh, has submitted that the name of the petitioner has come up on the basis of disclosure statement of the co-accused from whom 1150 intoxicant tablets have 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 upon 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 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

06.09.2023
adhikari

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No