

101

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM M - 44510-2023
Date of decision: 06.09.2023*Vishal Sharma**.....Petitioner**Versus**State of Punjab**.....Respondent***Coram: Hon'ble Mr. Justice Rajbir Sehrawat**Present: Mr. Rajesh Dhiman, 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. 61 dated 01.06.2022, registered under Sections 21, 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station City Kurali, District SAS Nagar (Annexure P1).

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 crime as alleged against him. Even as per the story of the prosecution, 20 vials of intoxicant injections of Pherinamine Maleate are alleged to have been recovered from the house, where family of the petitioner is residing. However, the petitioner was not present in the house from where the alleged recovery was effected. The police themselves are aware that a false case has been created against the petitioner, therefore, they had not even arrested the petitioner for the past more than one year. However, now, since mother of

the petitioner, who was also falsely implicated in the case has already been granted bail pending trial by this Court in CRM M 35518-2022 on 03.07.2023, therefore, now the police have started harassing the petitioner. There is no other case against 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.

3) Notice of motion.

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

5) Counsel for the State, being instructed by ASI Avtar Singh has submitted that the police had received a secret information that the petitioner and his mother were indulging in drugs peddling. Therefore, a raid was conducted on the house of the petitioner and on seeing the police party, the petitioner had run away from the spot. However, when search of the house was conducted, by joining the Municipal Councillor of the area, 20 vials of *Pherinamine Maleate* was recovered from the house of the petitioner. The mother of the petitioner was even arrested on the spot. However, it is not disputed that there is no other case against the petitioner, and that, the petitioner was not even present in the house at the time of the alleged recovery from the house of the family of the petitioner. Additionally, the police had not even been arrested the petitioner for the past more than one year.

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

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