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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM M – 51008 - 2023

Date of decision: 10.10.2023

*Gagandeep Singh**.....Petitioner**Versus**State of Punjab**.....Respondent***Coram: Hon'ble Mr. Justice Rajbir Sehrawat**

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Present: Mr. Prikshit Thakur, Advocate with
Mr. Rahul Bhargava, 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. 0081 dated 30.03.2023, registered under Section 21-C of the Narcotic Drugs and Psychotropic Substance Act, 1985 (offence under Section 29 of the NDPS Act, added later on), at Police Station Special Task Force, District STF Wing (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 has not committed any crime as alleged against him. Even as per the story of the Police, the name of the petitioner has surfaced only on the basis of the disclosure statement of the co-accused, namely, Gurjit Singh alias Gori, from whom, a quantity of 270 grams heroin has been recovered. It is alleged by the Police that the said co-accused had sold another 270 grams heroin to the petitioner. The petitioner is not in possession of any such contraband material. Therefore, the name of the petitioner has unnecessarily been dragged in the case. There is no other case against the petitioner. The

petitioner shall join the investigation as and when called for 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) It is submitted by counsel for the State, being instructed by ASI Gurjinder Singh that on receipt of a secret information, a raid was conducted. The co-accused of the petitioner, namely, Gurjit Singh was apprehended at the spot and during search, 270 grams heroin was recovered from him. During interrogation, the said accused has disclosed that he had purchased the said quantity of contraband from Har, a resident of Dhanoa Kalan, Police Station Gharinda, District Amritsar and out of the said purchased quantity, 270 grams heroin was sold by him to the petitioner as well. However, it is not disputed that, except the disclosure statement, there is nothing with the Police to connect the petitioner either to the material in question or to the co-accused, as such. It is also not disputed that there is no other case against the petitioner.
- 6) In view of the above, but without commenting any further 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

October 10, 2023

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No