

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

104

CRM-M No.51795 of 2023 (O&M)
DATE OF DECISION: 12th OCTOBER, 2023

Balkar Singh

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. Vipin Mahajan, Advocate,
for the petitioner.

* * * *

RAJBIR SEHRAWAT, J. (Oral)

1. The present petition has been filed by the petitioner under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.85 dated 11.09.2023 registered under Section 22, 29 and 27-A of NDPS Act, 1985 (Sections 29 and 27-A of NDPS Act added later on), at Police Station Qadian, District Gudaspur.

2. It is submitted by learned counsel for the petitioner that the case against the petitioner is totally concocted. The petitioner is not involved in the crime as alleged against him. Even as per the case of the police, the police had arrested one Ravi from whom 210 tablets of contraband were recovered. Thereafter, Ravi had named one Gurjant Singh as the source of supply of those tablets. When Gurjant Singh was arrested, he named the present petitioner as the person from whom he was getting the supply of intoxicant. However, except the disclosure

statement of second degree co-accused, there is nothing found by the police during the investigation connecting the petitioner either to the recovered material or to the co-accused, who has named the petitioner. There is no other case against the petitioner. The petitioner is ready to join the investigation as and when called by the Investigating Officer. Therefore, 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 State.

5. Learned State Counsel, being instructed by ASI Kulwinder Singh, has submitted that the name of the petitioner has duly surfaced through the disclosure statement of the co-accused from whom the huge recovery of contraband have been effected. The investigation is at the initial stage. The police are to unearth the true dimensions of the involvement of the petitioner in the crime, therefore, his custodial interrogation is required in this case. However, it is not disputed by learned State counsel that despite the co-accused having been arrested, the police have not been able to find out any material to connect the petitioner either to the material recovered from the co-accused or to connect to the said co-accused, as well.

6. In view of the above, but without commenting upon merits of the case, the present petition is allowed. The petitioner is granted concession of anticipatory bail. Therefore, it is directed that in case of his arrest, the petitioner shall be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of Arresting/Investigating Officer. However, it is further directed that 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.

12th OCTOBER, 2023
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(RAJBIR SEHRAWAT)
JUDGE

Whether speaking/reasoned:	Yes	No
Whether Reportable:	Yes	No