

278 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-55513-2022

Date of Decision: 08.08.2023

Vikas

...Petitioner

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat**Present :** Mr. Davinder Singh, Advocate
for the petitioner.

Mr. Mohit Chaudhary, AAG, Punjab.

N.S.Shekhawat J. (Oral)

The instant petition has been filed for grant of anticipatory bail to the petitioner in case FIR No.0061 dated 12.05.2022, registered under Section 21 of NDPS Act, 1985, at Police Station Cantt. Ferozepur.

On 01st December, 2022, the co-ordinate Bench noticed the following contentions, while granting the concession of interim anticipatory bail to the present petitioner:-

“As per the case of prosecution, on 12.5.2022 a secret information was received by the police to the effect that Vishnoor and Vikas (petitioner) indulged in sale of ‘heroin’ and that even on the given day they were coming from Ferozepur Cantt. Bus Stand to Ferozepur City alongwith heavy quantity of ‘heroin’. Pursuant to receipt of said information, barricading was held and two persons coming on Activa Scooter were intercepted by the police. However, one of them fled away from the spot while the other namely Vishnoor was arrested at the spot, who was found in possession of 1 kilogram of ‘heroin’.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and that he was never ever present at the spot. It has further been submitted that infact the petitioner was present at a place 4 kilometers away i.e. at Bhasin Palace, Ferozepur. Learned counsel for the petitioner, in order to hammer forth his aforesaid submission, has drawn the attention of this Court to the printouts taken from the said CCTV footage annexed as Annexure P-3.”

Today, I have heard learned counsel for the parties and perused the record.

At the outset, learned State counsel submits that even though the petitioner has joined the investigation, but the Activa Scooter used in the commission of crime is yet to be recovered from the present petitioner.

On the other hand, learned counsel for the petitioner submits that from the CCTV footage produced on record, it is apparent that the petitioner was not present at the place of occurrence and no Activa Scooter was used by him. He further contends that even the petitioner had not gone at the spot with his co-accused Vishnoor and consequently, Activa Scooter could not be recovered from him.

It is not in dispute that in compliance of the interim order dated 01.12.2022, the petitioner has already joined the investigation. Even from the CCTV footage, it is apparent that the petitioner was not present at the spot, from where the recovery was effected. Further, the custodial interrogation of the petitioner will not be effective in the present case as he had already cooperated with the Investigating Agency.

Without commenting on the merits of the case, the interim order dated 01.12.2022 is made absolute. The petitioner shall continue to join investigation, as and when called by the Investigating Officer and shall also abide by the conditions as provided under Section 438(2) of the Cr.P.C.

08.08.2023
hemlata

(N.S.SHEKHAWAT)
JUDGE

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