

CRM-M-53340-2023

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-53340-2023
Date of decision: 19.10.2023

SAHIB SINGH @ SABA

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Amit Arora, Advocate,
for the petitioner.

RAJBIR SEHRAWAT, J. (Oral)

1. The present petition has been filed under Section 438 Cr.P.C., praying for grant of anticipatory/pre-arrest bail to the petitioner in case FIR No.119 dated 25.09.2023, registered at Police Station Khilchian, District Amritsar Rural, under Sections 18 and 21 NDPS Act, 1985 (Section 29 NDPS Act, 1985 was added later on, vide DDR No.20 dated 26.09.2023).

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 present case at all. Even as per the story of the prosecution, the name of the petitioner has been involved in the present case on the basis of alleged disclosure statement of co-accused, who were arrested by the police with 10 grams of opium each. Moreover, the police has not been able to find out any material to connect the petitioner either to the co-accused or to the material recovered from them despite having their

CRM-M-53340-2023

custodial interrogation. 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. On the asking of this Court, Mr. Sandeep Singh, Addl. A. G. Punjab, accepts notice on behalf of the respondent-State.

5. Counsel for the State, being instructed by ASI Major Singh, has submitted that the police had set up a barrier for the routine checking. Then, a car was stopped by the police and during search, three persons were found inside the car. Out of those three persons, 03 grams of heroin was recovered from co-accused Sunny and from two other persons, 10 grams each of opium was recovered. The persons from whom the opium was recovered, have named the petitioner as a supplier of the said opium. The petitioner is involved in two other cases registered under the NDPS Act. Therefore, the petitioner does not deserve the concession of anticipatory bail. However, it is not disputed that in the present case, the petitioner has been involved on the basis of alleged disclosure statement of the co-accused. It is also not disputed that there is nothing found by the police to connect the petitioner either to the crime or to the co-accused or to the material recovered from them.

6. In view of the above, but without commenting any further on the 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

CRM-M-53340-2023

and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.

19.10.2023
parveen kumar

(RAJBIR SEHRAWAT)
JUDGE

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No