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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM M - 57122-2023
Date of decision: 14.11.2023

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

Present: Mr. Rishu Mahajan, Advocate
for the petitioner

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Rajbir Sehrawat, J. (Oral)

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. 67 dated 16.03.2023, registered under Sections 21 (b)/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station Maqboolpura, Amritsar (Annexure P-1).

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 prosecution, the name of the petitioner has surfaced through the disclosure statement of the alleged co-accused from whom, allegedly, 100 grams of heroin was recovered. However, there is nothing with the police to connect the petitioner either to the said co-accused or the material, allegedly, recovered from him. The petitioner shall join the investigation as and when called for by the police. Hence, the petitioner deserves to be protected against his arrest.

Notice of motion.

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

It is submitted by counsel for the State being instructed by ASI-
Baljinder Singh that the petitioner is the main supplier of the contraband
material; which has been recovered from the co-accused. 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, the petitioner does not
deserve to be protected against his arrest. However, it is not disputed that, at
this stage, that there is nothing with the police to connect the petitioner either
to the material recovered from the co-accused or to the accused as such.

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

November 14, 2023
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No