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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM M – 57923-2023 (O&M)
Date of decision: 17.11.2023*Jatinder alias Gatti*.....*Petitioner**Versus**State of Punjab*.....*Respondent***Coram: Hon'ble Mr. Justice Rajbir Sehrawat**Present: Mr. Devash Gupta, Advocate for Mr. Rahul Arora, Advocate
for the petitioner

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Rajbir Sehrawat, J. (Oral)**CRM 48328-2023**

Allowed as prayed for.

CRM M 57923-2023

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. 158 dated 16.09.2023, registered under Sections 21, 22 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station Makhu, District Ferozepur (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 prosecution, the petitioner is alleged to have run away from the spot and is involved in the case only on the basis of disclosure statement of the co-accused. Otherwise, there is nothing with the police to connect the petitioner either to the arrested co-accused or to the material recovered from

them. 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) Counsel for the State being assisted by ASI Balwant Singh has submitted that when the police party was on patrolling duty in the area of Makhu, they saw four persons sitting in the cremation grounds. However, on seeing the police, out of those four persons, two had run away from the spot and remaining two were apprehended; along with 60 grams of heroin and 625 grams intoxicant powder. The arrested co-accused has named the petitioner as the person, who had run away from the spot. It is further submitted that there are other cases against the petitioner under the NDPS Act itself. However, it is not disputed that in the present case, there is nothing with the police to connect the petitioner either to the arrested co-accused or to the material recovered from them; at this stage.

6) In view of the above, but without commenting anything 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 17, 2023

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Whether speaking/reasoned
Whether reportable

: Yes/No
: Yes/No