

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

144

CRM-M No.58471 of 2023 (O&M)
DATE OF DECISION: 20th NOVEMBER, 2023

Dharminder Singh

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. Gaurav Arora, 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.145 dated 07.10.2023 registered under Sections 21, 29 and 61 of NDPS Act, 1985, at Police Station Sadar Dhuri, District Sangrur.

2. It is submitted by learned counsel for the petitioner that the case against the petitioner is totally concocted and fabricated. The petitioner is not involved in the crime as alleged against him. Even as per the case of the prosecution, the name of the petitioner is sought to be involved in the case only on the basis of alleged disclosure statement made by co-accused, from whom 05 grams of heroin is alleged to have been recovered. However, except the alleged disclosure statement of the co-accused, the police have not been able to collect any material to connect the petitioner to the alleged crime. There is no other case against the petitioner under the NDPS Act. The petitioner is ready to join the investigation as and when called by the police.

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 Jasvir Singh, has submitted that the name of the petitioner has duly surfaced in the statement of the co-accused from whom 05 grams of heroin has been recovered. Therefore, the custodial interrogation of the petitioner is required; so as to find the magnitude of the involvement of the petitioner in the drug peddling. However, it is not disputed by learned State counsel that except the disclosure statement of the co-accused, there is no other material to connect the petitioner to the alleged crime and that there is no other case against the petitioner under the NDPS Act.

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

20th NOVEMBER, 2023
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(RAJBIR SEHRAWAT)
JUDGE

Whether speaking/reasoned:

Yes

No

Whether Reportable:

Yes

No