

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M No.59072 of 2023 (O&M)
DATE OF DECISION: 23rd NOVEMBER, 2023

Sandeep Singh

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. Balbir Singh Jaswal, Advocate and
Mr. Ankit Bhardwaj, Advocate for the petitioner.

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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.11 dated 15.01.2021 registered under Sections 21, 29 and 61 of NDPS Act, 1985 at Police Station Lopoke, District Amritsar.

2. It is submitted by learned counsel for the petitioner that the case against the petitioner is totally concocted. He is not involved in the crime as alleged against him. Even as per the story of the prosecution, the name of the petitioner has surfaced only in the disclosure statements of the co-accused, namely, Gursewak Singh and Mehanga Singh, from whom, allegedly, 05 grams and 03 grams of heroin were recovered. However, except the alleged disclosure statements 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. The petitioner is ready to join the investigation as and when called by the police. Therefore, the petitioner deserves to be protected against his arrest.

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 Kulwinder Singh, has submitted that the name of the petitioner has duly surfaced through the disclosure statements of the co-accused from whom recovery of heroin has been effected. 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 statements 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.

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.

23rd NOVEMBER, 2023
'sandeep'

(RAJBIR SEHRAWAT)
JUDGE

Whether speaking/reasoned:

Yes

No

Whether Reportable:

Yes

No