

2023:PHHC:163780
IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-61282-2023

Date of Decision:20.12.2023

Krishan Lal @Vicky

...Petitioner

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr.Satvir Singh, Advocate
for the petitioner.

Mr. M.S. Bajwa, DAG, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 438 Cr.PC with a prayer to grant anticipatory bail in case FIR No. 162 dated 26.10.2023, registered under Section 15 of NDPS Act (Section 29 added later on) Police Station City-I, Malerkotla, District Malerkotla.

2. A status report by way of an affidavit of Deputy Superintendent of Police, Sub Division Malerkotla, District Malerkotla has been filed on behalf of respondent State and the same is taken on record.

3. As per the case set up by the prosecution, at about 04:00 PM on 26.10.2023, a secret information was received by the police that Bhajan Ram and Jaspreet Singh @ Jassi, were habitual of selling poppy husk and were carrying huge quantity of poppy husk and in case, if raid was conducted, they could be apprehended. On getting the information, a raid was conducted and Bhajan Ram and Jaspreet Singh @ Jassi were apprehended by the police and 01 Quintal 60Kgs of poppy husk was recovered from their possession, which was being carried by them without any permit of license.

4. Learned counsel for the petitioner contends that the petitioner was

not named in the FIR and has been involved only on the basis of disclosure statements suffered by co-accused namely Bhajan Ram and Jaspreet Singh @ Jassi. He further contends that as per the said disclosure statement, Bhajan Singh @ Bhajan Ram, father of the petitioner had allegedly stated that he had to give half of the poppy husk to his son i.e is the present petitioner. Learned counsel for the petitioner contends that except the said disclosure statements, there is no other evidence against the present petitioner. Even allegations levelled by the complainant in the present case are highly improbable and unbelievable. Learned counsel next contends that the petitioner is a first offender and has been falsely involved, being the son of Bhajan Ram, principal accused and no recovery is to be effected from the accused.

5. On the other hand learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioner.

6. I have heard learned counsel for the parties and perused the record.

7. In the present case, as per the prosecution version 01 Quintal 60Kgs of poppy husk was recovered from Bhajan Ram and Jaspreet Singh @ Jassi and it has been alleged that the half of the poppy husk was yet to be delivered to the present petitioner.

8. Consequently, the present petition is allowed. The petitioner is granted concession of anticipatory bail, subject to the conditions as provided under Section 438(2) of the Cr.P.C. It will be open for the Investigating Officer to call the petitioner to join investigation, if so required, by issuing a written notice in this regard and he shall abide by the conditions mentioned in Section 438(2) of the Cr.P.C.

20.12.2023
hitesh

(N.S.SHEKHAWAT)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No