

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-65486-2023

DECIDED ON: 28.12.2023

MANISH DIWAKAR @ MEE

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Rajesh K. Chaudhary, Advocate
for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court has been invoked under Section 438 Cr.P.C., for grant of anticipatory bail to the petitioner in FIR No.84, dated 21.09.2023, under Section 21-B of NDPS Act, 1985, registered at Police Station Daresi, Ludhiana.

2. Learned counsel for the petitioner contends that the petitioner has been named by the main accused namely Pankaj Kumar actually from whom the alleged contraband of 125 grams of heroin was recovered. The attention of this Court has been brought that Pankaj Kumar on seeking the police party threw the plastic bag after taking it out from his right pocket and made an attempt to run away, but was apprehended by the police party at the spot. It is during investigation after his arrest on 21.09.2023, the present petitioner has been named on 23.09.2023, as has been stated by Mr. Rajiv Verma, DAG Punjab, who is appearing on advance notice.

3. On a specific query put by this Court as to what is the material to connect the petitioner with the recovered contraband, learned State counsel states that the petitioner is involved in another case bearing FIR No.35 of 2022, registered at Police Station STF Mohali under Section 21 of NDPS Act, 1985 and the

categoric statement of co-accused Pankaj Kumar is to the effect that the petitioner is the supplier of contraband recovered from him. Apart from that there is no cogent material has been brought to the notice of this Court.

4. Considering the factual aspects and the submissions made by learned counsel for the petitioner as well as learned State counsel, this Court is duly convinced that the petitioner has no effective role with the contraband recovered from Pankaj Kumar and as such this petition deserves to be allowed on that account itself. As far as pendency of other case is concerned, this Court in various judgments has already observed that pendency of other FIRs involving the accused-petitioner cannot be a predicament to consider the case for anticipatory bail or regular bail, as the evidence of the material involved in those FIRs can be treated in those cases alone and is not material for the instant FIR.

5. Hence, the present petition is disposed of with a direction to the petitioner to join the investigation, subject to his furnishing personal/security bonds to the satisfaction of Arresting/Investigating Officer. He shall join the investigation on 31.12.2023 at 10.00 AM with the Investigating Officer. However, it is made clear that in case the petitioner fails to join the investigation on the stipulated date and time given by this Court, respondent-State is at liberty to file an appropriate application for cancellation of anticipatory bail granted by this Court. The petitioner shall also abide by the terms and conditions as envisaged under Section 438(2) of Cr.P.C.

6. Ordered accordingly.

(SANDEEP MOUDGIL)
JUDGE

28.12.2023

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<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>