

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

**CRM-M-65499-2023
DECIDED ON: 28.12.2023**

KULDEEP SINGH

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Puneet Sharma, 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.222, dated 15.11.2023, under Sections 22, 29 of NDPS Act, 1985 and Section 188 of IPC, 1860, registered at Police Station Lehra, District Sangrur.
2. Learned counsel for the petitioner contends that the alleged contraband i.e., 1005 intoxicant capsules and 200 loose tablets are recovered from the co-accused namely Lal Bahadur Sharma @ Bunty Sharma and the petitioner does not know the main accused at all. It is also the assertion on behalf of the petitioner that he has been named in the disclosure statement of main accused only, though no connecting material or basis are there, to show that the petitioner in any manner was involved in the transition of said contraband.
3. Notice of motion.
4. On the asking of Court, Mr. Rajiv Verma, DAG Punjab accepts notice on behalf of respondent-State, who on instructions from ASI Joginder Singh also

states that except disclosure statement, there is no material at present to connect the petitioner with the commissioning of offence. He prays for dismissal of the instant petition alleging that recovery of said contraband is from main accused namely Lal Bahadur Sharma @ Bunty Sharma.

5. Be that as it may, since the prosecution has failed to demonstrate before this Court any connection of petitioner with Lal Bahadur Sharma @ Bunty Sharma from whom the alleged contraband was recovered. It cannot be ruled out that it may be a case of false implication of the petitioner in the instant case, the Court needs to strike a balance between individual rights of consisting of personal freedom whereas investigation of an accused is available with the prosecution. To maintain the aforesaid equilibrium, the petitioner is directed 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

Sham

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