

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

**CRM-M-65506-2023
DECIDED ON: 28.12.2023**

SUCHA SINGH

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Rimple Saini, 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.221, dated 07.11.2023, under Sections 22 of NDPS Act, 1985 (Section 29 of NDPS Act added later on) registered at Police Station Dasuya, District Hoshiapur.
2. Learned counsel for the petitioner contends that the contraband of 35 grams intoxicant powder is non-commercial in nature that too has been effected from the co-accused namely Onkar Singh @ Monu and the petitioner has no role with the alleged contraband recovered from the above-named co-accused. He also asserts that the petitioner was not initially named in the FIR and has been nominated on the basis of disclosure statement of Onkar Singh @ Monu, who named other three persons apart from the petitioner.
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 Paramjeet Singh

informs the Court that though the petitioner was not apprehended at the spot, but his closely associate and is hand-in-glove with the main accused namely Onkar Singh @ Monu, as the motorcycle belongs to the petitioner.

5. It is an admitted fact on behalf of learned State counsel as well that the recovered contraband is non-commercial in nature and the petitioner is not involved in any other case, which shows that he is a person of clean antecedents, therefore, no fruitful purpose would served by declining the instant petition.

6. In the light of the above, 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.

7. 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>