

S. No.219

2024:PHHC:049199

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

CRM-M-15619 of 2024

Date of Decision:10.04.2024

Shaba Singh

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Karandeep Singh, Advocate for the petitioner.

Mr. Baljinder Singh, DAG, Punjab.

DEEPAK GUPTA, J. (Oral)

By way of present petition filed under Section 438 Cr.P.C., petitioner prays for grant of anticipatory bail in case FIR No.23 dated 10.02.2024 registered under Sections 21, 27-B, 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station City-1 Abohar, Tehsil Abohar, District Fazilka, Punjab.

As per prosecution allegations, on the basis of secret information, to the effect that petitioner along with his mother, Ladi and one Kamaldeep Singh @ Kamal were habitual of procuring heroin and sell it to the addicts of the local area, a raid was conducted in the house of petitioner. Co-accused Ladi and Kamaldeep Singh alias Kamal were arrested from the spot and 50 grams of heroin along with cash amount of ₹4850/- was found as drug money besides a small size computerised scale.

Contention of learned counsel for the petitioner is that the petitioner was not found from the spot; that no recovery was effected from him; that he has been falsely implicated and that he is ready to join the investigation and so, he be granted the concession of anticipatory bail.

In the status report filed by way of affidavit of Shri Arun Mundan, PPS, Deputy Superintendent of Police, Sub Division Abohar, District Fazilka, on behalf of respondent No.1 - State, it is submitted that no recovery has been effected from the petitioner, though learned State Counsel submits that recovery had been effected from the house of the petitioner. Learned State Counsel also concedes that the petitioner has no other criminal case pending against him.

In view of the above submissions, but, without commenting 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 by the Investigating Officer subject to his furnishing bail bonds/ surety bonds to the satisfaction of Investigating Officer. However, it is further directed that the petitioner shall join the investigation as and when so required by the Investigating Officer. He shall further comply with the conditions stipulated in Section 438(2) Cr.P.C.

However, in case petitioner fails to co-operate in the investigation, the respondent- State will be at liberty to approach this Court for cancellation of bail.

Disposed of.

April 10, 2024
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(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No