

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-24406-2024  
DECIDED ON: 15.05.2024

LOVEPREET SINGH

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Raghav Soni, Advocate  
for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

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.122, dated 04.08.2023 (Annexure P-1), under Sections 21 & 29 (added later on) of NDPS Act, 1985, registered at Police Station Bhikhiwind, District Tarn Taran.

Learned counsel for the petitioner contends that the petitioner was not initially named in the FIR but was subsequently roped in the instant FIR only on the basis of disclosure statement of co-accused Harmanpreet Singh @ Harman, from whose possession 15 grams of heroin was recovered. He further contends that the alleged recovery from co-accused Harmanpreet Singh @ Harman is non-commercial in nature.

Notice of motion.

On the asking of the Court, Mr. Rajiv Verma, DAG, Punjab accepts notice on behalf of the respondent-State and does not controvert the aforesaid fact as argued by learned counsel for the petitioner today in Court.

Looking into the totality of facts and circumstances and also the fact that the recovered contraband is non-commercial in nature and that too not recovered from the present petitioner, who has been nominated on the basis of disclosure statement co-accused Harmanpreet Singh @ Harman, this Court is duly convinced that the present petition deserves to be allowed.

Hence, the petitioner is directed to be released on anticipatory bail subject to his joining investigation and reporting to the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the terms and conditions as envisaged under Section 438(2) of Cr.P.C.

In case the petitioner fails to abide by the direction given by this Court particularly regarding joining of the investigation, the State would be at liberty to move an application for cancellation of the instant anticipatory bail.

The petition in the aforesaid terms stands disposed off.

(SANDEEP MOUDGIL)  
JUDGE

15.05.2024  
Poonam Negi

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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |