

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

**CRM-M-25730-2024
DECIDED ON: 21.05.2024**

AKASHDEEP ALIAS AKASH

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Kamil Nagpal, Advocate and
Mr. Nitin Kaushal, 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.07, dated 14.02.2024 (Annexure P-1), under Sections 22 and Section 29 (added later on vide DDR No.24, dated 16.02.2024) of NDPS Act, registered at Police Station Ghall Khurd, District Ferozepur.

Learned counsel for the petitioner contends that the alleged recovery of 500 intoxicant tablets is not from the petitioner but from the main accused namely Manohar Singh @ Bharat who has already been granted the concession of regular bail vide order dated 12.04.2024 (Annexure P-2). He further asserts that the name of the petitioner has been nominated in the instant FIR merely on the basis of disclosure statement of Manohar Singh @ Bharat and as such, no incriminating material is available against the petitioner and, therefore, is entitled to concession of anticipatory bail.

Notice of motion.

On the asking of the Court, Mr. Rajiv Verma, DAG, Punjab accepts notice on behalf of the respondent-State and on instructions from HC Harjinder Singh submits that in fact the petitioner is the supplier of the said contraband as has been disclosed by co-accused Manohar Singh @ Bharat while naming the present petitioner and it was on that account, he was granted regular bail but the petitioner role is much more active in the commissioning of the offence involved in the instant FIR.

Be that as it may, considering the fact that the petitioner was nominated as an accused in the instant FIR only on the basis of disclosure statement of main accused Manohar Singh @ Bharat and the fact that nothing has been recovered from the possession of the petitioner.

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

However, it is made clear that in case the petitioner does not comply with the aforesaid direction of joining the investigation within one week, the order passed by this Court today shall automatically stands cancelled.

The petition in the aforesaid terms stands disposed off.

(SANDEEP MOUDGIL)
JUDGE

21.05.2024

Poonam Negi

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No