



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

217

CRM -M-26315-2024
Date of Decision : **July 30, 2024**

AMRITPAL SINGH ALIAS BABLU

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Sukhmeet Singh, Advocate
for the petitioner.

Mr. Sahil R. Bakshi, AAG, Punjab.

KULDEEP TIWARI, J. (Oral)

1. On the last date of hearing, i.e. 23.5.2024, the following
hereinafter extracted order was passed:-

“1. Through the instant petition, as instituted under Section 438 of the Cr.P.C., the petitioner seeks the concession of anticipatory bail, in case FIR No.168 dated 04.05.2024, under Section(s) 1(b)/61/85 of the N.D.P.S. Act (Section 29 of the N.D.P.S. Act added subsequently), registered at P.S. City Faridkot, District Faridkot.

2. Succinctly stated, on 04.05.2024, a police party apprehended co-accused Manminder Singh and Jashanpreet Singh while occupying a white coloured car bearing registration No. HR-12-W-2958 and recovered 170 grams heroin from their possession. During investigation, the co-accused (supra) suffered disclosure statement(s) that, they had purchased the recovered contraband from the petitioner, and that, even the car used by them was also arranged by the petitioner. Accordingly, vide DDR No.45 dated 06.05.2023, the petitioner was nominated for enhanced offence under Section 29 of the N.D.P.S. Act.



CRM -M-26315-2024

-2-

3. *The learned counsel for the petitioner submits that neither the name of the petitioner reflects in the FIR, nor any role whatsoever has been assigned to him therein. The only piece of evidence, which constitutes the bedrock for the investigating agency to arrest the petitioner, is the disclosure statement(s) of co-accused (supra), from whom the alleged recovery of 170 grams heroin was effected, and as such, the said disclosure statement(s) cannot be taken into consideration. Therefore, when even the allegedly recovered contraband falls under “non commercial quantity” and when there is no cogent incriminatory material available with the investigating agency to connect the petitioner with the alleged crime, therefore, he deserves the concession of anticipatory bail.*

4. *Lastly, the learned counsel for the petitioner submits that the petitioner is not involved in any other case.*

5. *Notice of motion for 30.07.2024.*

6. *Mr. Pardeep Bajaj, D.A.G., Punjab, accepts notice on behalf of respondent-State of Punjab.*

7. *In the meantime, the petitioner is directed to join the investigation and to appear before the investigating agency, as and when called upon to do so. In the event of his arrest, he shall be admitted to interim bail on his furnishing bail bonds to the satisfaction of the Arresting/Investigating Officer. The petitioner shall abide by the terms and conditions as envisaged under Section 438(2) Cr.P.C.”*

2. Today, the learned State counsel on instructions imparted to him by SI Chamkaur Singh, submits that the petitioner has already joined the investigation and he is fully co-operating with the investigation process and he is not required for any further custodial interrogation.



CRM -M-26315-2024

-3-

3. In view of the specific stand taken by the learned State counsel, the present petition is **allowed** and order dated 23.5.2024 is, hereby, made absolute subject to the condition that the petitioner shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

July 30, 2024
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(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No