

Monu ...Petitioner

State of Punjab ...Respondent

Present: Mr. Ankit Chauhan, Advocate for
Mr. Monty Goyal, Advocate
for the petitioner.

HARPREET SINGH BRAR, J. (ORAL)

Learned counsel for the petitioner *inter alia* contends that petitioner is neither named in the FIR nor any recovery of any narcotic substance was made from the petitioner rather the alleged recovery has been made from the co-accused and he has been falsely implicated in the present case. The petitioner has been involved only on the basis of disclosure statement suffered by co-accused while in police custody which has no evidentiary value in the eyes of law. The petitioner is having clean antecedents and is not involved in any other case. He further submits that this Court vide order dated

25.08.2023 has stayed the arrest of the petitioner.

The learned State counsel on instructions from ASI Baldev Singh, submits that the petitioner has not joined the investigation, however, he could not controvert the fact that the petitioner is not involved in any other case.

In view of the law enunciated by the Hon’ble Supreme Court in *Satender Kumar Antil Vs. CBI (2022) 10 SCC 51; Siddharam Satlingappa Mhetre Vs. State of Maharashtra and others 2010 SCC OnLine SC 137; Gurbaksh Singh Sibbia etc. Vs. State of Punjab (1980) 2 SCC 565, Arnesh Kumar Vs. State of Bihar (2014) 8 SCC 273* and *Sushila Aggarwal Vs. State of NCT Delhi 2020 (1) RCR (Criminal) 833*, the present petition is allowed. The petitioner is directed to appear before the Investigating Officer within two weeks from today. Thereafter, he will continue to join the investigation as and when called by the Investigating/Arresting Officer and shall cooperate with the Investigating/Arresting Officer and abide by the conditions as envisaged under Section 438 (2) Cr.P.C.

Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court.

(HARPREET SINGH BRAR)
JUDGE

24.01.2024
Neha

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No