



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-60517-2024
Date of Decision:03.12.2024

Sunil Kumar ...Petitioner

vs.

State of Punjab ...Respondent

Coram : Hon’ble Mr. Justice N.S.Shekhawat

Present : Ms.Manpreet Ghuman, Advocate
for the petitioner (through VC).

Mr. I.P.S Sabharwal, DAG, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 438 of Cr.P.C with a prayer to grant anticipatory bail to him in a case FIR No. 199, dated 25.10.2024, under Sections 22/29/61/85 of NDPS Act, registered at Police Station Civil Lines Patiala, District Patiala (Annexure P-1).
2. Learned counsel for the petitioner contends that as per the allegations levelled by the complainant, Kamaljeet Singh @ Rinku, main accused was apprehended by the police on 25.10.2024, while he was carrying 1860 tablets of Diphenoxylate Hydrochloride in his conscious possession, without any permit or license. During the course of the investigation, Kamaljeet Singh @ Rinku had suffered a statement and named the petitioner as one of the accused in the present case. Learned counsel further contends that apart from the disclosure statement suffered by the co-accused, the police could not collect any other evidence against him to connect the petitioner with the commission of

crime. He further contends that the petitioner was neither involved in any other criminal case and is ready to join the investigation.

3. On the other hand learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that serious allegations have been levelled against the present petitioner and he does not deserve the concession of anticipatory bail by this Court.

4. I have heard the learned counsel for the parties and perused the record carefully in the present case.

5. It is not in dispute that the petitioner was never involved in any other criminal activity. At this stage, only evidence to connect the petitioner with the alleged crime is the statement suffered by the principal accused in police custody, which has weak evidentiary value.

7. Thus, without commenting on the merits of the case, the present petition is allowed and the petitioner is granted concession of anticipatory bail, subject to the conditions as provided under Sections 438 (2) of Cr.PC. It will be open for the Investigating Officer to call the petitioner to join the investigation, if so required, by issuing a written notice in this regard and he shall abide by the conditions mentioned in Section 438 (2) of Cr.P.C.

03.12.2024
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(N.S.SHEKHAWAT)
JUDGE

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