

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

CRM-M-29923-2023

RISHI KHANNA

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

Present: Mr. Sant Pal Singh Sidhu, Advocate for the petitioner.

The instant petition under Section 438 Cr.P.C., has been filed for grant of anticipatory bail to the petitioner in FIR No.50, dated 24.05.2022 (Annexure P-1), under Sections 22, 29, 32, 35 of NDPS Act, 1985, registered at Police Station Fatehgarh Churian, Police District Batala, District Gurdaspur.

Learned counsel for the petitioner contends that the petitioner has been nominated as an accused merely on the basis of disclosure statement made by one Kuldeep Singh and accordingly has been arrayed under Section 29 of NDPS Act in the instant FIR. It is also the assertion made by learned counsel for the petitioner that nothing has been recovered from the possession of the petitioner and whatsoever is the recovery that has been effected from Kuldeep Singh and Bhupinder Singh.

He has further drawn attention of this Court to the fact that the petitioner is a licensed wholesale dealer of medicines and running a partnership firm in the name of M/s Shiv Shakti Medicos along with his brother Rohit Khanna being partner of equal share.

Notice of motion.

On the asking of Court, Mr. Mohit Chaudhary, AAG, Punjab, accepts notice on behalf of respondent-State, who on instructions from ASI

Sukhwinder Singh submits that though, nothing has been recovered from the petitioner, but he was involved in another case bearing No.51 dated 15.06.2021, under Section 22 of NDPS Act, registered at Police Station Fatehgarh Churian, in which also he was also implicated at the behest of one Charanjit Singh, who is the son of Kuldeep Singh, the co-accused in the instant FIR, who has named the petitioner in his disclosure statement.

It is apparent from the perusal of the record that the petitioner has been discharged by the trial Court vide order dated 10.10.2022 in another FIR bearing No.51 dated 15.06.2021, as the offence under Section 22 of NDPS Act qua him was not made out and in the instant FIR as well, nothing has been recovered from the possession of the petitioner, wherein the fact of his work in a partnership firm, as a registered wholesale medical store is not controverted by learned State counsel.

Keeping in view the fact that nothing has been recovered from the possession of the petitioner, who has been arrayed as an accused on the basis of disclosure statement of co-accused namely Kuldeep Singh, no useful purpose would be served by sending him behind the bars.

In light of the discussions made hereinabove, the petitioner is directed to be released on interim bail in case he joins the investigation on furnishing personal surety/security bonds to the satisfaction of Arresting Officer/Investigating Officer. The petitioner will also come present as and when called for and cooperate in investigation and shall abide by the conditions as envisaged under Section 438 (2) Cr.P.C.

Adjourned to 29.08.2023.

(SANDEEP MOUDGIL)
JUDGE

07.06.2023