

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

CRM-M No.30510 of 2016
Date of decision: 14th September, 2016

Balour Singh

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. ADS Jattana, Advocate for the petitioner.

Mr. Munish Sharma, Asstt. Advocate General, Haryana
for the respondent/State.

FATEH DEEP SINGH, J. (ORAL)

Allegations against the petitioner Balour Singh in this anticipatory bail application under Section 438 Cr.P.C. are that on the basis of secret information that the petitioner was carrying 1 kg 300 gms of Opium, a narcotic substance, present case was got registered.

It is inter alia argued by learned counsel for the petitioner that the petitioner has never been arrested from the spot and that his name has figured merely on the basis of hearsay and even there is no mention of his identity in any statement under Section 161 Cr.P.C. nor there is any evidence against him to connect him with the commission of offence. This factual situation is not controverted on behalf of the State by Mr. Munish Sharma, Asstt. Advocate General, Haryana.

Keeping in view that it is a matter of evidence and thus a debatable issue to connect the petitioner with commission of the offence on basis of confession of his co-accused and his joining the investigation will suffice the purpose, impels this Court to allow the prayer made.

The petitioner is ordered to appear before the Investigating Officer within seven days from today and on his doing so he shall be released on bail to the satisfaction of the Investigating Officer till submission of report under Section 173 Cr.P.C. (challan). He shall continue to join investigation and shall furnish an undertaking that he shall abide by the conditions specified under Section 438 (2) Cr.P.C. Thereafter, petitioner will be permitted to furnish regular bail bonds to the satisfaction of the trial Court.

The petition stands disposed off accordingly.

(FATEH DEEP SINGH)
JUDGE

September 14, 2016
rps

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