

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

CRM No.M-428 of 2016 (O&M)

Date of Decision: 01.03.2016

Sher Singh

... Petitioner

Versus

State of Haryana

... Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Sandeep Kotla, Advocate for the petitioner.

Mr. Anmol Malik, AAG, Haryana.

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TEJINDER SINGH DHINDSA.J.

This order shall dispose of the present petition filed under Section 438 Cr.P.C. seeking concession of anticipatory bail to the petitioner in case FIR No.675 dated 20.10.2015, under Sections 15/27-A/61/85 of the NDPS Act and Section 120-B IPC, registered at Police Station Sadar Fatehabad, District Fatehabad.

On 08.01.2016, while issuing notice of motion, the following order was passed by this Court:

“The present petition has been filed under Section 438 Cr.P.C praying for grant of anticipatory bail to the petitioner in case FIR No.675 dated 20.10.2015 registered under sections 15, 27-A, 61, 85 of N.D.P.S Act and 120-B I.P.C. at Police Station, Sadar Fatehabad, District Fatehabad.

Counsel would contend that the recovery of 6 kgs 500 gms of poppy husk was effected from one Subhash. Counsel further submits that there was no recovery made from the present petitioner and it was not even the case of the prosecution that the petitioner was present along with main accused Subhash and had escaped from the spot. It is further submitted that the present petitioner is sought to be implicated

only on the basis of a disclosure statement made by Subhash, who had stated that the contraband had been purchased from one Lal Kumar and had thereafter been stored in the house of the petitioner. Counsel contends that main accused Subhash has already been granted the benefit of regular bail and even the recovery made from Subhash would be construed as non-commercial quantity in nature.

It is also the categoric submission made by counsel that the present petitioner is not involved in any other proceedings under the N.D.P.S. Act.

Notice of motion, returnable for 1.3.2016.

In the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting Officer/Investigating Officer. The petitioner shall join investigation as and when called upon to do so and he shall remain bound by the conditions envisaged under Section 438 (2) Cr.P.C.”

Learned State counsel upon instructions from ASI Dalbir Singh would apprise the Court that the petitioner has since joined investigation.

Petitioner is not stated to be involved in any other case under the NDPS Act.

Even the observations contained in the notice of motion order passed by this Court have gone un rebutted.

Accordingly, the present petition is allowed. Order dated 08.01.2016 passed by this Court is made absolute.

Disposed of.

01.03.2016

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**