

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

CRM-M -10292 of 2017 (O&M)
Date of decision: 23.05.2017

Balbir Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. S.K. Bishnoi, Advocate for the petitioner(s).

Mr. Saurabh Mohunta, DAG, Haryana
assisted by ASI Mahavir Singh.

Jitendra Chauhan, J. (Oral)

By filing the present petition under Section 438 of the Code of Criminal Procedure, the petitioner has sought anticipatory bail in FIR No.105 dated 21.02.2017, registered under Section 15 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act'), at Police Station Sadar Fatehabad, District Fatehabad.

On 27.03.2017, this Court had passed the following order:-

“Contends that no recovery has been effected from the petitioner. He is introduced in the present FIR on the basis of disclosure statement of co-accused, Bhal Singh from whom allegedly 20 Kgs. of poppy husk was recovered. He is not involved in any other FIR.

Notice of motion.

At this stage, Mr. Saurabh Mohunta, DAG, Haryana, accepts notice on behalf of the respondent-State. A complete set of paperbook has been handed over to learned State counsel in the Court.

Meanwhile, in the event of arrest of the petitioner by the Arresting Officer, he shall be released on interim bail subject to the following conditions:-

- 1.That he shall make himself available for interrogation by a police officer as and when required;*
- 2.That he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer and;*
- 3.That he shall not leave India without prior permission of the Court.*

Post again on 23.05.2017”

It is contended that in pursuance of the order dated 27.03.2017, the petitioner has joined the investigation.

The learned State counsel, on instructions submits that though the petitioner has joined the investigation, however, he is not cooperating. He is involved in another FIR under NDPS Act.

Considering the fact that no recovery was effected from the petitioner; the petitioner has been introduced on the basis of disclosure statement of co-accused Bhal Singh from whom the alleged contraband was recovered which is non-commercial in nature, without expressing any opinion on the merits of the case, the interim bail granted by this Court vide order dated 27.03.2017, is made absolute, subject to furnishing bail bonds/surety bonds to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, concerned.

The petition stands allowed.

23.05.2017

sumit.k

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned :

Yes

No

Whether Reportable:

Yes

No