

CRM-M-3240-2017

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

CRM-M-3240-2017

Date of Decision: 17.02.2017

Satish

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Ashwani Gaur, Advocate for the petitioner.

Mr. Parveen Aggarwal, DAG, Haryana.

INDERJIT SINGH, J.(Oral)

Petitioner-Satish has filed this petition under Section 438 of the Code of Criminal Procedure, 1973 (for brevity, 'Cr.P.C.') for grant of anticipatory bail in case FIR No.138 dated 07.07.2016, registered at Police Station Pillukhera, District Jind, under Section 20 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

Notice of motion was issued in this case. Learned State counsel put in appearance on behalf of the respondent-State and contested this petition.

I have heard learned counsel for the petitioner as well as learned State counsel and have gone through the record.

From the record, I find that as per the FIR, two boys coming on motor-cycle were seen by the police party. One boy who was pillion rider on the motor-cycle, succeeded in running away from the spot by taking the benefit of darkness. However, another person, who was apprehended at the spot, disclosed the name of that boy who ran away from the spot.

CRM-M-3240-2017

Perusal of the FIR nowhere shows that anybody from the police party had identified that boy. There is nothing on record that the police party had seen that boy and they can identify him. Learned State counsel submits that as per the record, none of the police officials has identified that boy and there is only disclosure statement of co-accused.

The disclosure statement is inadmissible in evidence and at this stage, there is nothing to connect the present petitioner with the crime.

Keeping in view the facts and circumstances of the present case; without discussing the facts of the case in minute details and without expressing any opinion on the merits of the case, I find merit in this petition and the same is allowed. It is ordered that in the event of arrest, the petitioner be released on bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.

However, it is made clear that whatever has been observed by this Court, is only for the purpose of disposal of this petition and the trial court will decide the case independently as per the record.

17.02.2017

parveen kumar

**(INDERJIT SINGH)
JUDGE**

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