

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

**Criminal Misc. No. M-36997 of 2017
Date of Decision:-01.11.2017**

Ombir

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present:- Mr. N.S. Shekhawat, Advocate
for the petitioner.

Mr. Munish Sharma, AAG, Haryana.

FATEH DEEP SINGH J.(Oral)

The allegations against the petitioner in this anticipatory bail application under Section 438 Cr.P.C. in case FIR No.340 dated 08.9.2017, under Sections 21 and 61 of NDPS Act, 1985, P.S. Farakpur, are that on 07.9.2017 during nakabandi at Sasouli Road near ITI Yamuna Nagar, the police accosted Vijay Kumar and Sandeep alias Babloo and from the auto rikshaw being driven by them 840 tablets of Alprazolam and 2064 capsules of Spasmo proxyvon plus were recovered and on the basis of statement of co-accused the present petitioner has been booked for the offence.

The contentions of learned counsel for the petitioner are that there is no evidence linking the petitioner with the crime. Neither he has

been identified nor he was arrested at the spot and nothing has been recovered from him.

Though the factual scenario has not been disputed by learned State counsel who has very fairly conceded at bar that the petitioner has been booked only on the basis of statement of co-accused.

Appreciating the submissions in the light of the same since nothing is to be recovered from the petitioner and no useful purpose will be served by keeping the petitioner behind the bars, the legality, validity and acceptability of statement of co-accused being a debatable issue is the subject matter of judicial adjudication. the present petition stands allowed. In the event of arrest of the petitioner, he be admitted to bail to the satisfaction of the arresting officer/Investigating Officer and that he will abide by the conditions as envisaged under Section 438(2) Cr.P.C.

November 01, 2017
Vijay Asija

(FATEH DEEP SINGH)
JUDGE

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No