

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

CRM-M-49125-2018 (O&M)

Date of Decision:-21.11.2018

Vicky ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present:- Mr. Amit Chaudhary, Advocate
for the petitioner.

Mr. Parveen K. Aggarwal, DAG, Haryana,
assisted by ASI Devi Lal.

MANOJ BAJAJ, J.(Oral)

The petitioner-Vicky has filed this petition under Section 438 of Criminal Procedure Code, 1973 for grant of anticipatory bail in case FIR No.591 dated 13.10.2018 registered under Sections 21(b) and 27-A of Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station City Fatehabad, District Fatehabad.

Learned counsel for the petitioner has contended that one Suraj Kumar was apprehended by police, who was found to be in possession of 8 grams and 30 milligrams of 'heroin' and on the basis of said recovery, the FIR in question was registered.

Pursuant to directions given by this Court on 14.11.2018, the short reply by way of affidavit of Dharambir Singh, H.P.S., Deputy Superintendent of Police, Head Quarter Fatehabad has been filed by learned State counsel today in Court and the same is taken on record.

From perusal of reply, it is revealed that the alleged recovery

was effected from co-accused Suraj Kumar and during investigation he had named the petitioner as well. According to reply, the disclosure statement of co-accused namely Suraj Kumar indicts the petitioner also.

Learned counsel for the petitioner has argued that the statement of co-accused Suraj Kumar may not be admissible in evidence and except for this there is nothing to implicate the petitioner in the present case.

Considering the facts and circumstances of the case and also the fact that the petitioner was neither present at the time of recovery nor initially found to be involved in the alleged possession of 8 grams and 30 milligrams of 'heroin', which was in possession of co-accused Suraj Kumar, the present petition is allowed. In the event of arrest, the petitioner be released on interim bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

The present petition stands disposed off.

21.11.2018

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(MANOJ BAJAJ)
JUDGE

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No