

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

**CRM-M No.7457 of 2019
Date of Decision: 09.05.2019**

Anand Petitioner

Versus

State of Haryana Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr.Vikas Lochab, Advocate for the petitioner.
Mr. Yashwinder Singh, DAG, Haryana.

MAHABIR SINGH SINDHU, J. (Oral)

Present petition has been filed under Section 439 read with Section 437 of Cr.P.C. seeking bail pending trial in case FIR No. 418 dated 21.10.2018, under Section 20 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Sadar, Gohana, Sonipat.

This Court on 02.05.2019, passed the following order:-

“Learned State counsel has filed the custody certificate of the petitioner in the Court today. The same is taken on record. A copy thereof has been supplied to the opposite side.

Perusal of the custody certificate reveals that the petitioner is facing another case bearing FIR No. 66 dated 28.03.2008 under Section 20 of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Sadar Gohana, Sonipat.

Learned counsel for the petitioner submitted that as a matter of fact the petitioner stands acquitted in that case in the year 2014.

It seems that custody certificate has been prepared without verifying the latest factual position. Let affidavit of Ram

Chander-DSP, District Prison (Sonipat), Haryana be filed on or before the next date of hearing.

Adjourned to 09.05.2019.”

In terms of the above order, short reply by way of affidavit of Shahid Hussain, Deputy Superintendent, District Jail, Sonipat, has been filed. The same is taken on record. Perusal of paragraph 2 of the affidavit clearly reveals that stand taken by learned counsel for the petitioner on the previous date of hearing was absolutely correct to the effect that the petitioner stood acquitted in FIR No. 66 dated 28.03.2008 by learned JMIC, Gohana, vide judgment dated 25.01.2014, but the custody certificate dated 01.05.2019 submitted by the Jail Authorities was factually incorrect.

Despite the above factual position, instead of realizing their mistake, simply a modified custody certificate has been attached with the affidavit. This approach of the deponent is not acceptable and consequently, officer concerned is directed to be careful in future while supplying the custody certificate to this Court.

After arguing for some time, learned counsel for the petitioner wishes to withdraw the present petition at this stage.

Dismissed as withdrawn, as prayed for.

09.05.2019
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(MAHABIR SINGH SINDHU)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>