

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

210

CRM-M-14313 of 2019

Date of Decision: October 03, 2019

Gurvinder @ Gurinder @ Guri

.....Petitioner

versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR.JUSTICE MANOJ BAJAJ

Present: Mr. Rajesh Lamba, Advocate, for the petitioner.
Mr. Sukhdeep Parmar, DAG, Haryana.

MANOJ BAJAJ, J. (Oral)

This petition has been filed by the petitioner under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.112 dated 04.03.2019 under Sections 21(b) and 27 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station City Fatehabad, District Fatehabad. The petitioner apprehended his arrest at the hands of Police.

Learned counsel for the petitioner has invited the attention of the Court to the order dated 22.05.2019 whereby the interim protection was extended to the petitioner. The said order reads as under:-

“Through instant petition under Section 438 Cr.P.C. prayer has been made for grant of anticipatory bail to the petitioner in case FIR no.112 dated 04.03.2019 registered under Sections 21(b) and 27 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station City Fatehabad, District Fatehabad.

According to the prosecution, on 04.03.2019, co-accused of the petitioner Amit Kumar @ Golu was apprehended with conscious possession of 17 gms of heroin. He suffered disclosure statement that he purchased the

contraband from the petitioner.

Learned counsel inter alia contends that petitioner has falsely been implicated in the aforesaid FIR on the basis of disclosure statement of his co-accused Amit Kumar @ Golu, which is a very weak type of evidence. Nothing is to be recovered from the petitioner.

Considering overall facts and circumstances, petitioner is directed to join the investigation and remain present as and when called for and in the event of arrest, the petitioner shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C.

Adjourned to 3.10.2019.”

Learned counsel for the petitioner further contends that in deference to the said order, the petitioner submitted himself before the Police and joined the investigation. According to him, the petitioner cooperated with the Police Authorities during the investigation and furnished requisite bonds to the satisfaction of the Investigating Officer/Arresting Officer.

Learned State counsel who is assisted by ASI Rohtas does not dispute this fact that the petitioner has joined the investigation. Learned counsel on instructions from ASI Rohtas further states that the petitioner is not required for custodial interrogation for the time being.

Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 22.05.2019 is made absolute.

October 03, 2019
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[MANOJ BAJAJ]
JUDGE

Whether speaking/reasoned :
Whether Reportable :

Yes/No
Yes/No