

In the High Court of Punjab and Haryana at Chandigarh

.....

Criminal Misc. No.M-46317 of 2018

.....

Date of decision:20.05.2019

Bhajan Lal

.....Petitioner

v.

State of Haryana

.....Respondent

....

Present: Mr. P.K. Ganga, Advocate for the petitioner.

Mr. Sharad Kumar Yadav, Deputy Advocate General, Haryana
for the respondent-State.

.....

Inderjit Singh, J.

This petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.298 dated 20.8.2018 registered for the offence under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as 'the Act') at Police Station Rania, District Sirsa.

Notice of motion has been issued in this case.

Mr. Sharad Kumar Yadav, learned Deputy Advocate General, Haryana has put in appearance on behalf of the respondent-State and contested this petition.

I have heard learned counsel for the petitioner and learned State counsel appearing for the respondent-State and have gone through the record.

A perusal of the record shows that on seeing the Police party one of the boys, who is present petitioner, fled away from the spot and the other person co-accused was apprehended with 3 boxes of strips containing Alprazolam tablets. Two boxes were containing 80/80 strips and another box was containing 48 strips and total 2080 tablets were recovered. 230 Tablets of Tamoset were also recovered. As per the FIR, co-accused disclosed the name of the present petitioner, who had fled away.

Learned counsel for the petitioner argued that there is nothing in the FIR that any of the Police party official has identified the accused nor there is anything in the FIR that the person who fled away can be identified by any of the Police party official, if brought before them. Learned counsel for the petitioner argued that the identity of the accused is not established and further the disclosure statement of co-accused is inadmissible in evidence.

The present petitioner has already joined the investigation. As stated he is not required for any custodial interrogation. Recovery has already been effected in this case from the co-accused. Nothing has been recovered from the present petitioner. No useful purpose will be served by sending the petitioner to custody.

Keeping in view the facts and circumstances of the present case; without discussing the facts in minute detail and without expressing any opinion on the merits of the case, I find merit in this petition and the same is allowed. The interim order dated 22.10.2018 passed by this Court granting interim bail to the petitioner is made absolute. However, the petitioner shall join the investigation as and when called upon to do so

[3]

and shall abide by the conditions of Section 438 (2) Cr.P.C.

May 20, 2019.

(Inderjit Singh)
Judge

hsp

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