

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

**CRM-M-46800-2018
Date of decision:01.02.2019**

Sukhmander @ Mander

....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. D.S. Virk, Advocate
for the petitioner.

Ms. Aditi Girdhar, AAG, Haryana.

GURVINDER SINGH GILL, J. (ORAL)

1. The petitioner seeks grant of anticipatory bail in respect of FIR No.214 dated 10.08.2018 under Sections 15, 16 of the Narcotic Drugs and Psychotropic Substances Act, 1985, Police Station Sadar Dabwali, District Sirsa.
2. It is the case of prosecution that on 10.08.2018 during the course of checking, a police party came across a car, the driver of which upon noticing the police party tried to take 'U'-turn. The said person was nabbed and who disclosed his name as Sukhbir Singh and from whose possession 3.200 kilograms poppy husk was recovered. It is the case of

prosecution that the said accused Sukhbir suffered a disclosure statement to the effect that he had purchased the contraband from the present petitioner.

3. The learned counsel for the petitioner has submitted that he has falsely been implicated in the present case solely on the basis of a disclosure statement made by co-accused and since the petitioner has already joined investigation and he deserves the concession of bail.
4. Learned State counsel upon instructions from ASI Ishwar Singh has submitted that the petitioner is “supplier” and that he is a previous convict and two other cases of the Narcotic Drugs and Psychotropic Substances Act, 1985 are also pending against him.
5. Having considered rival contentions addressed before this Court and while noticing that the only evidence, at present, against the petitioner is disclosure statement of co-accused, the veracity & admissibility of which is yet to be tested during the course of trial and that the petitioner was never arrested at the spot and has already joined investigation, I do not find that it to be a case of custodial interrogation. Accordingly the petition is accepted and the interim directions issued vide dated 23.10.2018 by this Court are hereby made absolute subject to the condition that the petitioner would appear before Investigating Officer 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.
6. The petition is accepted in the above mentioned terms.

7. It is, however, clarified that none of the observations made above shall be construed to be an expression on merits of the main case.

01.02.2019
Gaurav Sorot

(GURVINDER SINGH GILL)
JUDGE

Whether reasoned / speaking?	Yes / No
Whether reportable?	Yes / No