

In the High Court of Punjab and Haryana at Chandigarh

228

CRM-M-23637-2019 (O & M)

Date of Decision: 10.07.2019

ROSHAN LAL

.....PETITIONER

VERSUS

STATE OF HARYANA

....RESPONDENT

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. P.S. Sekhon, Advocate for the petitioner.

Mr. Saurabh Girdhar, AAG, Haryana.

ANUPINDER SINGH GREWAL, J (ORAL)

The petitioner is seeking anticipatory bail in FIR No. 111 dated 31.03.2019, under Sections 15, 29 and 31 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Sadar Fatehabad, District Fatehabad.

Learned counsel for the petitioner contends that the petitioner is not named in the FIR wherein it is stated that co-accused Jaspal Singh had fled away after seeing the police party leaving a bag containing 54 kg of poppy husk. He has been arraigned as an accused later, on the statement of Jaspal Singh. There is no mention in the FIR of any other person accompanying Jaspal Singh, who may have also fled away from the spot. He also contends that the petitioner has been falsely implicated in the instant case. He has relied upon the judgment of the Supreme Court in the case of **Surinder Kumar Khanna versus Intelligence Officer Directorate of Revenue Intelligence, 2018 (3) RCR (Criminal) 954** wherein it has been held that the conviction cannot be based solely on the basis of statement of co-accused.

This Court, by the order dated 23.05.2019, had directed the petitioner to appear before the Investigating Officer and join the investigation and in the event of his arrest, he was ordered to be released on ad-interim bail to the satisfaction of the Investigating/Arresting Officer, subject to the conditions envisaged under Section 438(2) Cr.P.C.

Learned State counsel, on instructions from ASI Harpal Singh, states that although the petitioner has joined investigation but he is required for custodial interrogation as his name came up in the disclosure statement of co-accused Jaspal Singh. However, he is not in a position to point out whether there is any other evidence besides the disclosure statement of the co-accused.

In view of the submissions of learned counsel for the petitioner especially when besides the disclosure statement, there is no other prima facie evidence against the petitioner and keeping in view the fact that the petitioner has joined investigation, the order dated 23.05.2019 granting interim bail to the petitioner is made absolute.

However, the petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C. He shall also join investigation as and when called upon to do so.

The petition stands disposed of.

(ANUPINDER SINGH GREWAL)
JUDGE

July 10, 2019

A.Kaundal

Whether speaking/ reasoned	:	Yes/No
Whether Reportable	:	Yes/No