

208-3

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

CRM-M-23997 of 2019

Date of decision: September 05, 2019

Bittu Singh

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Rajeev Godara, Advocate for the petitioner.

Mr. Arun Beniwal, DAG Haryana.

MAHABIR SINGH SINDHU, J (Oral)

Present petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 (for short 'Cr. P.C.') for grant of anticipatory bail to the petitioner, in FIR No.23 dated 18.04.2019, under Section 22(C) C/61/85 of Narcotic Drugs and Psychotropic Substances Act 1985 (for short 'NDPS Act'), registered at Police Station Rori, District Sirsa.

As per prosecution case, petitioner has been nominated in this case on the basis of disclosure statement made by co-accused, namely Bagga Singh.

On 24.05.2019, while issuing notice of motion, this Court has passed the following order:-

“Contends that neither the petitioner is named in the FIR; nor any recovery has been effected from him, rather the alleged contraband was recovered from one Bagga Singh and during investigation, the petitioner has been nominated as an accused by said Bagga Singh. Further contends that even one of the co-accused, namely, Gurdass Singh has already been granted interim bail by this Court.

Notice of motion for 29.07.2019.

In the meanwhile, the petitioner is directed to join the investigation before the Investigating Officer. In the event of his arrest, the Arresting Officer would admit him to interim bail in the present case till the next date of hearing on his furnishing adequate bail and surety bonds to his satisfaction. The petitioner is also directed to abide by all the conditions as envisaged under Section 438(2) Cr.P.C.”

Learned State counsel, on instructions from Sub Inspector Dilbag Singh has stated that, although, Investigating Officer is not able to verify the source of contraband, but in terms of order dated 24.05.2019, petitioner has joined investigation and his custodial interrogation is not required. Also submitted that there is no other case pending against the petitioner under the NDPS Act.

In view of the above, order dated 24.05.2019 granting interim bail to the petitioner, is made absolute subject to the provisions of Section 438(2) Cr. P.C.

Petition stands disposed off, accordingly.

However, it is made clear that the petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.

The above observations may not be construed as an expression of opinion on the merits of the case.

(MAHABIR SINGH SINDHU)
JUDGE

September 05, 2019

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