

208-2

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

CRM-M-24791 of 2019

Date of decision: September 05, 2019

Bhim Singh

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. C.S. Rana, 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) of Narcotic Drugs and Psychotropic Substances Act 1985 (for short 'NDPS Act'), registered at Police Station Rori, District Sirsa.

As per prosecution case, petitioner used to sell contraband in question along with his co-accused and no recovery has been effected from him.

On 29.05.2019, while issuing notice of motion, this Court has passed the following order:-

“Contends that alleged recovery of 5000 intoxicant prohibited tablets was effected from co-accused Bagga Singh and not from the petitioner. Further contends that CRM-M Nos.23997 and 21350 of 2019, filed by co-accused, are pending for 29.07.2019.

Notice of motion for 29.07.2019.

To be heard along with CRM-M Nos.23997 and 21350 of 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 29.05.2019, 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 29.05.2019 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