

In the High Court of Punjab and Haryana at Chandigarh

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**CRM-M-28480-2019 (O & M)
Date of Decision: September 19, 2019**

KULDEEP SINGH

.....PETITIONER

VERSUS

STATE OF HARYANA

....RESPONDENT

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Bikramjeet Singh Jatana, Advocate
for the petitioner.

Mr. D.R. Singla, DAG, Haryana.

ANUPINDER SINGH GREWAL, J (ORAL)

The petitioner is seeking anticipatory bail in FIR No. 133 dated 10.06.2019 under Section 22 (c) of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Ratia, District Fatehabad.

Learned counsel for the petitioner contends that the allegations in the FIR are that when the police party was patrolling one person with a polythene bag in his hand fled away by throwing the bag. The polythene bag was found to be containing Tramadol Hydrochloride. He also contends that earlier tramadol was not under the NDPS Act and it has been brought under the NDPS Act in terms of the Notification issued by the Government on 26.04.2018. It is also stated in the FIR that the person, who had fled away, was identified as the petitioner. He, however, contends that the identity of the petitioner could not be established, as the incident took place at 10:00 p.m. at

night. The prosecution story is unbelievable as it is not possible a person would be able to flee in the presence of several police officers. He also contends that the petitioner is not involved in any other case and there is no prima facie evidence to connect him with the alleged commission of offence.

This Court, by the order dated 24.07.2019, 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, upon instructions from ASI Ranbir Singh, states that the petitioner has joined investigation and is not required for custodial interrogation.

In view of the submissions of learned counsel for the petitioner and the petitioner having joined investigation, the order dated 24.07.2019 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

September 19, 2019

A.Kaundal

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