

CRM-M-6354-2020

Date of decision: 03.03.2020

BANSI SINGH

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURIPresent: Mr. Kunwar Rajan, Advocate
for the petitioner.

Mr. B.S. Virk, DAG, Haryana.

VIVEK PURI, J. (ORAL)

On 13.02.2020, the following order was passed:-

Briefly, the FIR No. 0009 dated 23.01.2020 has been registered in pursuance of recovery of 150 tablets of Tramadol recovered from Jaskaran Singh (co-accused).

It has been stated by learned counsel for the petitioner that the petitioner has been nominated on the basis of disclosure statement and even the quantity of contraband recovered from the co-accused falls in the category of less than commercial quantity.

Notice of motion, returnable on 03.03.2020.

In the meanwhile, the petitioner is directed to join investigation and in the event of his arrest, he shall be released on interim bail to the satisfaction of Investigating Officer/Arresting Officer subject to the conditions as envisaged under Section 438 (2) of Code of Criminal Procedure”.

It has been stated by the learned counsel for the petitioner that the

petitioner has joined the investigation and nothing is to be recovered from him.

On instructions, learned State counsel has not disputed the factual position.

In the case, the contraband has not been recovered and has been nominated on the basis of disclosure statement of the co-accused.

As such, it cannot be ruled out that the petitioner may not have committed the offence. Furthermore, he is not likely to commit any similar offence under NDPS Act, as it has also been conceded that no other case under NDPS Act has been registered against the petitioner.

As such, sufficient exceptional circumstances are made out to extend the concession of pre-arrest bail to the petitioner.

Without expressing any opinion on the merits of the case, the order dated 13.02.2020, 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 is accordingly, allowed.

03.03.2020
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(VIVEK PURI)
JUDGE

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No