

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-7630-2020 (O&M)

Date of Decision:- 14.7.2020

Jagsir Singh

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. D.S.Virk, Advocate, for the petitioner.

Ms. Aditi Girdhar, AAG, Haryana.

*(the aforesaid presence is being recorded through video conferencing
since the proceedings are being conducted in Virtual Court)*

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of anticipatory bail in a case registered vide FIR No.489, dated 1.12.2019, Police Station Rania, District Sirsa, under Section 21 of NDPS Act.
2. The case of the prosecution is that 20 grams of 'heroin' was recovered from one Vijay Kumar who subsequently made a disclosure statement to the effect that it was the petitioner who had supplied the same to him.
3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and that the alleged disclosure statement cannot be accepted as gospel truth.

4. Opposing the petition, learned State counsel has submitted that since the petitioner has specifically been named by the accused Vijay Kumar from whom recovery was effected, no case for grant of anticipatory bail is made out.
5. I have considered rival submissions addressed before this Court. The petitioner is sought to be nominated as an accused on the basis of disclosure statement made by co-accused Vijay Kumar, the veracity and authenticity of which is yet to be tested during trial. Keeping in view the said facts and circumstances, in my opinion it is a fit case for grant of anticipatory bail. The petition, as such is hereby accepted and the petitioner, in the event of arrest, shall be released on anticipatory bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and cooperate with the Arresting/Investigating Officer and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.
6. It is however clarified that in case the petitioner does not join investigation, it shall be open to the prosecution/investigating agency to move an application for cancellation of his bail.

July 14, 2020

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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No