

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

CRM-M No.13149 of 2020
Date of decision: 28th May, 2020

Salinder Singh

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Rakesh Nagpal, Advocate for the petitioner.

FATEH DEEP SINGH, J. (ORAL)

The matter has been taken up through video-conferencing on account of lockdown due to outbreak of pandemic COVID-19.

Mr. Baljinder S. Virk, Dy. Advocate General, Haryana puts in appearance on behalf of the State on his own.

Petitioner Salinder Singh, who is accused in case bearing FIR No.101 dated 07.03.2020 under Sections 15/27A/61/85 of Narcotic Drugs and Psychotropic Substances Act, 1985 pertaining to Police Station City Tohana, District Fatehabad, has come up in this first anticipatory bail application under Section 438 Cr.P.C.

The brief allegations brought to the notice of the Court are that on 07.03.2020 the police apprehended a person coming on foot and from his left shoulder a bag containing 4.700 kilograms poppy husk was got recovered leading to registration of the present case. It was on the statement of accused Jagsir alias Jaggi, from whose conscious possession the contraband was recovered, name of the present petitioner cropped up for having supplied the contraband.

Upon hearing learned counsel for the petitioner Mr. Rakesh Nagpal, Advocate; learned State counsel Mr. Baljinder S. Virk, Dy. Advocate General, Haryana and on perusal of the records. Admittedly, recovery has already been effected. The petitioner is neither named in the FIR and it is subsequently on the statement of the principal accused non-applicant Jagsir alias Jaggi, his name has come about and thus, a debatable issue arises over the very admissibility of such a piece of evidence. Culpability, if any, shall be determined at the trial which is not likely to conclude in the near future. Therefore, this Court is of the opinion that it would be a travesty of justice to send the petitioner in custody in the present case and his joining the investigations would suffice the purpose. Accordingly, the petitioner is directed to appear before the investigating officer within a period of 15 days from the date of receipt of certified copy of this order and on his doing so he shall be released on bail to the satisfaction of the arresting/investigating officer till submission of report under Section 173 Cr.P.C. (challan). The petitioner shall continue to join investigation and shall furnish an undertaking that he shall abide by the conditions specified under Section 438 (2) Cr.P.C. Thereafter, he will be permitted to furnish regular bail bonds to the satisfaction of the trial Court.

The petition stands disposed off accordingly.

(FATEH DEEP SINGH)
JUDGE

May 28, 2020

rps

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No