

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

CRM-M No.13128 of 2020
Date of decision: 28th May, 2020

Lilu @ Shri Bhagwan

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Sandeep Kotla, 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 Lilu alias Shri Bhagwan has come up in this first anticipatory bail application under Section 438 Cr.P.C. in case bearing FIR No.82 dated 27.02.2020 under Section 15 of the Narcotic Drugs and Psychotropic Substances Act, 1985 pertaining to Police Station Sadar, District Fatehabad.

The brief allegations are that the present case was got registered against co-accused non-applicant Atma Ram Birbal whereby 1.200 kilograms of poppy husk was recovered from his possession and during the course of investigations on his statement, present petitioner was roped in for having supplied the contraband to the principal accused.

Upon hearing learned counsel for the petitioner Mr. Sandeep Kotla, Advocate; learned State counsel Mr. Baljinder S. Virk, Dy. Advocate General, Haryana and on perusal of the records.

Admittedly, the contraband has been recovered and that too from the conscious possession of the co-accused non-applicant Atma Ram Birbal. The very legality and admissibility of the statement of co-accused against the present petitioner being a legal piece of evidence, is a debatable issue. 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