

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 204

CRM-M-13117-2020
Date of decision : 25.06.2020

Gurpreet Singh @ Vikki

..... Petitioner

VERSUS

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.Rajesh Lamba, Advocate, for the petitioner.

Mr.Anmol Malik, DAG, Haryana.

DEEPAK SIBAL, J. (ORAL)

Case taken up through video conferencing.

Through the present petition the petitioner seeks the grant of concession of anticipatory bail in FIR No.89, dated 08.05.2020, registered under Sections 21(b) and 27-A of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, the NDPS Act), Sections 188 and 269 IPC and Section 51(b) of the Disaster Management Act, 2006 at Police Station Sadar Tohana, District Fatehabad.

The petition came up for hearing on 28.05.2020 on which date this Court passed the following order: -

“All cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the COVID-19 pandemic. By this petition, the petitioner seeks the concession of 'pre-arrest' bail, upon FIR No. 89 having been registered against him at Police Station Sadar Tohana, on 08.05.2020, alleging therein the commission of offences punishable under Sections 21 (b) and 27-A of the NDPS Act, 1985 and Sections 188 and 269 of the IPC, as also Section 51 (b) of the Disaster Management Act, 2006.

Learned counsel for the petitioner submits that the petitioner admittedly not having been caught on the spot, where allegedly 35 grams of heroin are stated to have been recovered from two other persons, he has only been named in the FIR upon a disclosure statement allegedly made by both the persons who were apprehended at the spot (as per the case of the police), the allegation being that they had purchased heroin from the petitioner.

He further submits that in any case the heroin so alleged to have been recovered from those persons is of non-commercial quantity, with the petitioner alleging that he has been wholly falsely roped in by the police.

Upon query to learned State counsel, he, while opposing the bail application, does not deny the fact that the petitioner was not caught at the

spot where allegedly 35 grams of heroin were recovered from two other persons and that 35 grams heroin is well below the commercial quantity for the said drug, that being above 250 grams.

Upon query, he submits that as per his instructions there is no other criminal case registered against the petitioner.

Keeping in view the above, without making any comment on the actual merits of the case, notice of motion is formally issued today, with learned State counsel accepting notice on the asking of the court, though he otherwise already has notice of the petition earlier.

Adjourned to 25.06.2020.

In the meanwhile, upon the petitioner immediately joining investigation, in case he is sought to be arrested, he would be released on bail upon his furnishing adequate bail and surety bonds to the satisfaction of the arresting officer/Ilaqa Magistrate. He shall, further, abide by all the conditions stipulated in Section 438(2) of the Cr.P.C.

If the arresting officer does not join the petitioner in investigation, he would appear before the learned Ilaqa Magistrate immediately, who would then summon the arresting officer and direct him to join him in investigation.”

Learned State counsel, on instructions from ASI Bhupinder Singh submits that in pursuance to the afore quoted order the petitioner has joined the investigation; has fully cooperated with the investigating agency; no recovery is to be affected from him; there is no other criminal case pending against him under the NDPS Act and that at this stage the petitioner is not required by the State for further questioning.

Since the petitioner is not involved in any other criminal case; he has joined investigation and has fully cooperated with the investigating agency; no recovery is to be effected from him and at this stage the petitioner is not required by the investigating agency for any further questioning, this Court is of the considered opinion that custodial interrogation of the petitioner is not warranted.

In view of the above, the order of this Court dated 28.05.2020, granting ad interim anticipatory bail to the petitioner is made absolute.

Nothing observed herein-above shall be considered to be an expression of opinion by this Court on the merits of the case.

25.06.2020

shamsher

[DEEPAK SIBAL]
JUDGE

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