

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-15363 of 2020

Date of decision: August 06, 2020

Krishan Lal

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr.S.K. Bishnoi, Advocate for the petitioner.
Mr. P.P. Chahar, DAG, Haryana.

MAHABIR SINGH SINDHU, J

Present petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') for grant of anticipatory bail to petitioner, in case FIR No.0199 dated 31.05.2020 under Section 51 (b) of the Disaster Management Act, 2005, Sections 188, 269 of IPC and Section 15 of NDPS Act (Section 27-A of NDPS Act added later on), registered at Police Station Sadar, District Fatehabad.

On 17.06.2020, while issuing notice of motion, the Coordinate Bench of this Court passed the following order:-

“This matter is being taken up for hearing through video conference/ WhatsApp due to the pandemic COVID-19.

Mr. Bishnoi contends that the petitioner has been falsely implicated. He submits that nothing was recovered from the petitioner and he was not present at the spot. The petitioner was only implicated in pursuance of the disclosure statement of the co-accused and that he never supplied any contraband to the co-accused. He further submits that the recovery has already been effected and in such circumstances custodial interrogation may not be necessary or required. Investigation may go on.

Issue: Notice of motion.

Since advance copy of the petition stands already served, Mr. Saurabh Mohunta, DAG, Haryana, accepts notice on behalf

of the respondent-State and opposed the application. He may file reply if he wishes.

List on 06.08.2020.

In the meanwhile, petitioner shall appear before the Investigating Officer/Arresting Officer as and when required and shall fully cooperate in the investigation of this case. In the event of his arrest, petitioner shall be released on interim bail to the satisfaction of Investigating Officer/Arresting Officer. Petitioner shall comply with the conditions as stipulated in Section 438(2) Cr.P.C.”

Contentends that in terms of the above order, petitioner has already joined investigation.

Learned State counsel, on instructions from ASI Surinder Singh has acknowledged the above factual position and stated that the petitioner has joined investigation and nothing incriminating has been recovered, therefore, his custodial interrogation is not required.

In view of the above, petition is allowed. Order dated 17.06.2020 granting interim bail to the petitioner, is made absolute, subject to the provisions of Section 438(2) Cr.P.C.

However, it is made clear that the petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.

The above observations may not be construed as an expression of opinion on the merits of the case.

August 06, 2020
sanjay

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/ reasoned: Yes/No
Whether Reportable: Yes/No