

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM No. M-19877 OF 2020 (O&M)
Date of decision : July 22, 2020

Gurdev Singh alias Geba

....Petitioner

versus

State of Haryana

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. DS Virk, Advocate, for the petitioner

Mr. Baljinder Virk, DAG Haryana for the State

Fateh Deep Singh, J. (Oral)

The matter has been taken up through Video-conferencing on account of outbreak of pandemic COVID-19

The primary allegations against petitioner accused Gurdev Singh alias Geba are that the police on 3.7.2020 apprehended accused non-applicant Darshan Singh @ Chamkila along with two bags of contraband while travelling in a car. It is during the course of interrogation that the accused disclosed of having purchased contraband from the petitioner.

It is inter-alia contended by learned counsel for the petitioner that neither the petitioner has been named in the FIR nor any specific role is attributed to the petitioner in the commission of the offence and that the very legality and validity of such a piece of evidence is a matter of judicial trial.

Learned State counsel has submitted that except statement of co-accused Darshan Singh alias Chamkila, there is no other evidence available in the present case.

Be so as it may. As is fairly conceded by the learned State counsel that the only evidence against the petitioner is statement of his co-accused, the legality and validity of the same is matter of judicial trial. Recovery has already been effected and joining the investigation by the petitioner would suffice the purpose.

In view of the aforesaid, the present petition is allowed. In the event of arrest, the petitioner shall be released on interim bail to the satisfaction of arresting/investigating officer till submission of report under section 173 Cr.P.C. (challan). The petitioner shall, however, join the investigation as and when called for and shall also abide by the conditions specified under section 438 (2) Cr.P.C. Thereafter, on presentation of challan, the petitioner will be permitted to furnish regular bail bonds to the satisfaction of the trial

Court. Presently, the petitioner is directed to join investigation within 15 days days of the receipt of the copy of order.

The present petition stands disposed of.

July 22, 2020
'tiwana'

(Fateh Deep Singh)
Judge

<i>Whether speaking/reasoned ?</i>	<i>Yes/No</i>
<i>Whether Reportable ?</i>	<i>Yes/No</i>