

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

CRM-M-20283-2020 (O&M)

Date of Decision: 14.09.2020

Harjinder Singh

... Petitioner

Versus

State of Haryana

... Respondent

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Amit Choudhary, Advocate for the petitioner.

Mr. Saurabh Mohunta, DAG, Haryana.

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TEJINDER SINGH DHINDSA, J. (ORAL).

Matter has been taken up through Video Conferencing via Webex facility in the light of the Pandemic Covid-19 situation and as per instructions.

This order shall dispose of the instant petition filed under Section 438 Cr.P.C. seeking concession of anticipatory bail to the petitioner in case FIR No.126, dated 06.06.2020, under Section 15 of the NDPS Act, registered at Police Station Sadar Ratia, District Fatehabad.

While issuing notice of motion, the following order was passed by this Court on 24.07.2020:

“Matter has been taken up through Video Conferencing via Webex facility in the light of the Pandemic Covid-19 situation and as per instructions.

Petitioner seeks anticipatory bail in case FIR No.126, dated 06.06.2020, under Section 15 of the NDPS Act, registered at Police Station Sadar Ratia, District Fatehabad.

Counsel submits that even as per prosecution version, an alleged recovery of 6 kg 100 gms of poppy husk was effected from co-accused Sita Singh. Present petitioner has been implicated only on the basis of a disclosure statement recorded of a co-accused.

Even though, the prayer for interim relief was vehemently opposed by learned State counsel by submitting that petitioner is a habitual offender and is involved in other cases under the NDPS Act. However, it has gone uncontroverted that out of three cases under the NDPS Act, petitioner has earned acquittal in two and is on bail in one.

Notice of motion, returnable for 14.09.2020.

In the meanwhile, petitioner is directed to appear before the Investigating Officer and to join investigation.

In the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting/Investigating Officer. The petitioner shall join investigation as and when called upon to do so and he shall remain bound by the conditions envisaged under Section 438(2) Cr.P.C.”

Learned State counsel upon instructions from SI Baldev Singh informs the Court that the the petitioner has since joined investigation and is not required for any custodial interrogation.

In view of the above, petition is allowed.

Order dated 24.07.2020 passed by this Court is made absolute.

14.09.2020

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |