

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-21976-2020 (O&M)
Date of Decision:-14.12.2020

Sukhwinder Singh @ Sukhvir

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Gurjot Singh Sadhrao, Advocate for the petitioner.

Ms. Sheenu Sura, DAG, Haryana.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.123 dated 9.7.2020 at Police Station Baragudha, District Sirsa, Haryana under Sections 21 and 22 of Narcotic Drugs and Psychotropic Substances Act, 1985 (Sections 61 and 85 also added in the FIR text).
2. At the time of issuance of notice of motion, following order was passed:

“63.68 grams of 'heroin' and 100 tablets of 'Tramadol Hydrochloride' were recovered from one Sheopyari, who is alleged to have subsequently made disclosure statement to the effect that she had purchased the said contraband from the petitioner.

The learned counsel for the petitioner submits that the petitioner is none else but real son of Sheopyari and it is highly unlikely that her mother would have suffered disclosure statement nominating him as an accused.

Notice of motion for **14.12.2020**.

Meanwhile, in the event of arrest, the petitioner be released on interim bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.”

3. The learned State counsel on instructions from the Investigating Officer has informed that pursuant to interim directions issued by this Court on 07.08.2020, the petitioner has since joined investigation and is not required for any custodial interrogation.
4. Having regard to the facts and circumstances of the case especially that the petitioner was not arrested at the spot and has been nominated on the basis of statement of a co-accused, the veracity of which would be debatable and while also noticing that the petitioner has since joined investigation the petition is accepted and the interim directions issued by this Court vide order dated 7.8.2020 are hereby made absolute subject to the condition that the petitioner shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

14.12.2020

pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned
Whether Reportable

Yes / No
Yes / No