

201 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-22918 of 2020

Date of Decision : 12.10.2020

Sandeep Singh

...Petitioner

Versus

State of Haryana

...Respondent

(Through video conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Balraj Singh Sidhu, Advocate
for the petitioner.

Ms. Safia Gupta, AAG, Haryana.

Harsimran Singh Sethi, J. (Oral)

Petitioner is seeking anticipatory bail in FIR No.435 dated 17.07.2020 under section 22-B of the NDPS Act, 1985 registered at Police Station City Sirsa, District Sirsa

Learned counsel for the petitioner contends that the petitioner has joined investigation in terms of order passed by this Court on 17.08.2020. Order dated 17.08.2020 is as under:-

“Present petition has been filed under Section 438 of the Cr.P.C. for the grant of anticipatory bail to the petitioner in respect of FIR No. 435 dated 17.07.2020, under Section 22-B of the NDPS Act, 1985, registered at Police Station City Sirsa, District Sirsa.

Learned counsel for the petitioner argues that petitioner was not named in the FIR and has been roped in only on the basis of disclosure statement of the co-accused, namely, Inderpal Singh from whom the actual recovery was effected. Learned counsel for the petitioner states that no recovery has been effected from the petitioner and the allegations, which have been made by the co-accused, are yet to be proved in the Court of Law.

Learned counsel further states that petitioner

is ready to join the investigation and will fully cooperate in the investigation. Learned counsel for the petitioner states that there are no other cases pending against the petitioner and hence, the petitioner may kindly be extended the benefit of anticipatory bail.

Notice of motion.

Ms. Ambika Luthra, learned Additional Advocate General, Haryana, who has also joined the proceedings through video conference, keeping in view the service of advance copy of petition, accepts notice on behalf of the respondent-State. Learned State counsel on the instructions from ASI Naresh Kumar states that the petitioner has been named by the co-accused to the effect that the banned contraband was procured by the co-accused of the petitioner, namely, Inderpal Singh, from the petitioner.

Learned State counsel states that there are no other cases pending against the petitioner.

I have heard learned counsel for the parties and have gone through the record carefully.

Once, it is conceded that no recovery has been effected from the petitioner and the petitioner has been roped in on the basis of the disclosure statement of the co-accused, which is yet to be proved and further that the petitioner is not involved in any other case and petitioner is ready to join the investigation, petitioner has made out a case for the grant of anticipatory bail.

Petitioner is directed to join the investigation forthwith. In the event of his arrest, he shall be released on interim bail to the satisfaction of the Arresting Officer/Investigating Officer on his furnishing bail bonds/surety bonds to his/her satisfaction subject to the following conditions :

- (i) That he shall make themselves available for interrogation by the police officer as and when required.
- (ii) That he shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the said facts to the Court or to any police

officer.

(iii) That he shall not leave India without prior permission of the Court.

(iv) That he shall abide by all the conditions as enshrined under Section 438(2) Cr.P.C.

Adjourned to 12.10.2020.

It is, however, made clear that after the petitioner join the investigation, in case any incriminating material comes against the petitioner, the respondent-State will be at liberty to file appropriate application seeking the custody of the petitioner in case, the same is needed.”

Learned State counsel, who has also joined the proceedings through video conference, on instructions from ASI Naresh Kumar, states that in terms of the order of this Court reproduced before, the petitioner has joined the investigation and no further interrogation is required, at this stage.

In view of the above, the order dated 17.08.2020 granting interim bail to the petitioner is made absolute.

However, the petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C. He shall also join investigation as and when called upon to do so.

In case at any given point of time hereinafter, it is felt by the Investigating Agency that petitioner is required for the investigation but is not co-operating, it will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

October 12, 2020

aarti/naresh k.

(HARSIMRAN SINGH SETHI)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No