

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.24058 of 2020
Date of Decision :24.08.2020

Hardeep Singh @ Deepa

.....Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR.JUSTICE ARUN PALLI, JUDGE

Present: Mr.D.S.Virk, Advocate for the petitioner.
Mr. Shivendra Swaroop, AAG, Haryana.
(The aforesaid presence is being recorded through video conferencing
since the proceedings are being conducted in virtual Court)

ARUN PALLI, J. (Oral):

Petitioner prays for an anticipatory bail under Section 438 of Cr.P.C. in FIR No.81, dated 30.07.2020, under Section 15/61/85 of NDPS Act, registered at Police Station Rori, District Sirsa.

As per the prosecution version on 30.07.2020, police party, on suspicion, apprehended Channan Singh @ Gudad and Bhola Singh @ Gandoo, while they were standing near the motorcycle parked adjacent to a car in which another person was also sitting in the driver's seat. And, who on seeing the police party succeeded to flee from the spot but left the car behind. A plastic bag containing 800 grams of Chooria was recovered from Channan Singh and a recovery of 4 K.G. of choora post was effected from Bhola Singh at the spot. Further, 6 K.G of choora post was also recovered from the said car. Upon interrogation both the accused disclosed the identity of the person who was sitting in the car, and fled from the seen, as Hardeep Singh @ Deepa (petitioner) from whom they had purchased the recovered

contraband.

Learned counsel for the petitioner submits that apparently the prosecution story seems incredible. While those who were standing near the car were apprehended, whereas the person who was sitting in the car, on seeing the police escaped from the spot. Further, no material/evidence exist to connect the petitioner with the said car that was alleged to have been left behind. He submits that the petitioner has merely been implicated on the disclosure statement of the co-accused, which in the absence of any corroborative material/evidence is inadmissible. The petitioner was neither involved nor any such case was/is pending against him.

The factual position as set out above is not disputed by Mr. Shivendra Swaroop, AAG, Haryana.

In the given circumstances, the petition is accepted. In the event of arrest the petitioner shall be released on bail subject to furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when required and shall abide by the conditions as envisaged under Section 438 (2) Cr.P.C.

(ARUN PALLI)
JUDGE

24.08.2020

Manoj Bhutani

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No