

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

**CRM-M No.24049 of 2020
Date of Decision :24.08.2020**

Avtar Singh

.....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.248, dated 23.07.2020, under Section 22-B/61/85 of NDPS Act, registered at Police Station Sirsa Sadar, District Sirsa.

In brief, the case of the prosecution is that Harmeet Singh @ Shambhu and Surjit Singh @ Bablu were apprehended on 23.07.2020, while they were coming on a motorcycle driven by Harmeet Singh. Surjit Singh who was a pillion rider was holding a white coloured plastic bag. And upon their search 61 strips capsules Parvorin Spas (Ridley) Tramadol Hydrochloride Diclofenac Sodium Dicyclomin Hydrochloride and Chlorphaniramine Maleate were recovered from them. However, during interrogation they disclosed that the recovered contraband was sold to them by petitioner Avtar Singh.

Learned counsel for the petitioner submits that neither the petitioner was apprehended at the spot nor any recovery was effected from his person. He has merely been implicated on the disclosure statement of the co-accused, which in the absence of any corroborative evidence/material is inadmissible. Therefore, his implication in the present case is apparently false.

As opposed to this, Mr. Shivendra Swaroop, AAG, Haryana, submits for, the petitioner is alleged to have sold the recovered contraband, to ascertain the source of origin of these supplies and burst the trade racket the custodial interrogation of the petitioner shall be necessary. Further, besides the present case, the petitioner is also involved in 4 other FIRs.

In response, learned counsel for the petitioner asserts that pendency of those cases would assume relevance only if any recovery was effected from the petitioner and there exists any material to connect the petitioner with the alleged offence.

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