

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

**CRM-M-24657-2020(O&M)
Date of decision : 04.11.2020**

Sukhdev Ram @ Siddi @ Saibi

..... Petitioner

versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present: Mr.Manoj Tanwar, Advocate for the petitioner.

Mr.Saurabh Mohunta, DAG, Haryana.

TEJINDER SINGH DHINDSA, J. (ORAL)

This case has been taken up through Video Conferencing via Webex facility in the light of 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 FIR No.176 dated 13.08.2020, under Section 15-B of the NDPS Act, registered at Police Station Siwan, District Kaithal, Haryana.

On 27.08.2020 while issuing notice of motion the following order was passed by this Court:-

“ 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 concession of anticipatory bail in case FIR No.176, dated 13.08.2020, under Section 15-B of the NDPS Act, registered at Police Station Siwan, District Kaithal.

Counsel would argue that a false case has been foisted upon the petitioner only on account of the fact that earlier FIR

No.182, dated 24.01.2017 had been registered at the same very Police Station under Section 15 of the NDPS Act. It is urged that the alleged recovery in the afore noticed FIR was non-commercial in nature and as such, petitioner was granted anticipatory bail.

In the present case, the alleged recovery is of wet poppy husk found in a tub lying in the bathroom weighing 15 kg, 400 grams and which upon drying was found to be 10 kg and 500 grams. It is argued that the alleged recovery in the present case would also be construed as noncommercial.

Notice of motion, returnable for 04.11.2020.

In the meanwhile, petitioner is directed to appear before 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 ASI Deepak, informs the Court that the petitioner has since joined investigation and is not required for custodial interrogation.

In view of the above, petition is allowed. Order dated 27.08.2020 passed by this Court is made absolute.

(TEJINDER SINGH DHINDSA)
JUDGE

04.11.2020
sunita

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No