

CRM-M-25446-2020

Date of decision: 09.10.2020

Vijender @ Suka and another

.....Petitioners

versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH**Present:** Mr. S.K. Verma, Advocate
for the petitioners.Mr. B.S. Virk, DAG, Haryana
for the respondent-State.**FATEH DEEP SINGH, J. (ORAL)**

Due to outbreak of pandemic COVID-19, the instant case is being taken up for hearing through video conferencing.

The petitioners-Vijender @ Suka and Naresh, have come up in this first anticipatory bail application in a case bearing FIR No.157 dated 22.05.2020 under Section 21 of the NDPS Act registered at Police station Sadar Jind, District Jind.

Heard both the sides and perused the records.

The allegations are against the principal accused/non-applicant-Narender @ Kali, who was apprehended while going on a motorcycle bearing No. HR 86 1280 and in whose possession 710

gram of heroin (wrongly denoted as smack during the initial stage to be smack/heroin) was recovered. This accused disclosed to the police that he has purchased the same from the petitioner.

The contentions of learned counsel for the petitioners that neither the petitioners have been named in the FIR nor any recovery is to be effected and has sought to doubt the very legality and acceptability of such a statement of the co-accused. The learned State counsel by much force stated that the entire investigation have to be completed. The recovery has already been effected from the co-accused/non-applicant and the very legal worth of statement of co-accused called his alleged accomplice, is a matter of judicial adjudication during the trial, thus, this Court deems it a fit case to allow the present petition.

Accordingly, the petitioners are directed to appear before the investigating officer/Magistrate within a period of 15 days from the date of receipt of certified copy of this order and on their doing so, they shall be released on bail to the satisfaction of the arresting/investigating officer till submission of report under Section 173 Cr.P.C. (challan). The petitioners shall continue to join investigation and shall furnish an undertaking that they shall abide by the conditions specified under Section 438 (2) Cr.P.C. Thereafter, they will be permitted to furnish regular bail bonds to the satisfaction of the trial Court.

The present petition stands disposed off accordingly.

09.10.2020
Neha

(FATEH DEEP SINGH)
JUDGE

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