

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

**CRM-M-26791 of 2020 (O&M)
DATE OF DECISION: 25.09.2020**

Mati Singh	versus	Petitioner
State of Haryana		Respondent

CORAM:- HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Aditya Sanghi, Advocate, for the petitioner.

Ms. Dimple Jain, AAG, Haryana.

ALKA SARIN, J. (Oral)

Heard through video conferencing.

This is a petition under section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioner in FIR No.162 dated 11.07.2020 under Section 22(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Kalanwali, District Sirsa, Haryana.

On 09.09.2020, the following order was passed:-

“ *Heard through video conferencing.*

This is a petition under section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioner in FIR No.162 dated 11.07.2020 under Section 22(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Kalanwali, District Sirsa, Haryana.

Learned counsel for the petitioner has contended that the petitioner was neither apprehended at the spot nor named in the FIR and that he was nominated on the basis of the disclosure statement of the co-accused. It is further contended that no recovery was made from the petitioner and there is no linkage which can be found between the co-accused and the petitioner.

The learned counsel has further relied upon 2018(8) SCC 271 Surinder Kumar Khanna Vs. Intelligence Officer, Directorate of Revenue Intelligence to contend that conviction cannot be solely based on the statement of a co-accused.

Notice of motion.

On the asking of the Court, Ms. Dimple Jain, Assistant Advocate General, Haryana has put in appearance through video conferencing and accepts notice on behalf of the respondent-State. Learned State counsel seeks some time to complete her instructions.

Adjourned to 25.09.2020.

Meanwhile, the petitioner is directed to join investigation as and when called for. In the event of arrest, the petitioner shall be admitted to interim bail on furnishing adequate surety and personal bonds to the satisfaction of the Arresting Officer. The petitioner shall abide by all the terms and conditions as specified in Section 438(2) of the Code of Criminal Procedure, 1973.”

Learned counsel for the petitioner has submitted that the petitioner has since joined investigation.

Ms. Dimple Jain, AAG Haryana, on instructions from ASI Raj Kumar, has stated that the petitioner has since joined investigation and is no longer required for further investigation.

In view of the above, order dated 09.09.2020 is made absolute. The petitioner shall, however, join investigation as and when called. The petitioner shall also abide by all the terms and conditions as specified under Section 438(2) of the Code of Criminal Procedure, 1973.

Disposed off accordingly.

September 25, 2020
tripti

(ALKA SARIN)
JUDGE

Whether speaking/non-speaking: Yes/No
Whether reportable: Yes/No