

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

214

CRM-M-28213 of 2020

Date of Decision: 23.09.2020

Gurpreet Singh @ Happy

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. D.N. Ganeriwala, Advocate,
for the petitioner.
Mr. Deepak Bhardwaj, DAG, Haryana.

AMOL RATTAN SINGH, J. (ORAL)

All cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the COVID-19 pandemic.

By this petition, the petitioner seeks the concession of 'regular bail', upon FIR no.321, dated 22.07.2020, having been registered at Police Station Rania, District Sirsa, alleging therein the commission of offences punishable under Sections 22(c)/29 of the NDPC Act, 1985 as also Sections 195, 452 of the IPC read with Section 120-B thereof.

Mr. Ganeriwala, learned counsel for the petitioner, points to the orders passed in the case of a co-accused of the petitioner, i.e. Hira Singh, on 31.08.2020 and 17.09.2020.

The order dated 17.09.2020, passed in CRM-M-25139 of 2020, is reproduced hereinbelow:-

“All cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the Covid-19 pandemic.

On 31.08.2020, the following order had been passed by this court:

“All cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the Covid-19 pandemic.

By this petition, the petitioner seeks the concession of anticipatory bail, upon FIR no.321, dated 22.7.2020, having been registered at Police Station Rania, District Sirsa, alleging therein the commission of offences punishable under Sections 120-B/195/452 of the IPC and Sections 22(C) and 29 of the NDPS Act, 1985.

Learned counsel for the petitioner submits that the allegation against the petitioner is that the person from whose house intoxicant capsules were recovered (as per the case of the investigating agency), i.e. Gurmeet Singh, is alleged to have made a disclosure statement to the police that the capsules were placed there by the petitioner alongwith one Gurpreet Singh.

He further submits that there is no other criminal case ever registered against the petitioner.

Notice of motion.

Mr. Praveen Bhadu, learned AAG, Haryana, accepts notice at the asking of the court and seeks time to take instructions.

Adjourned to 17.9.2020.

In the meanwhile, the petitioner is directed to join investigation and upon him so joining if he is sought to be arrested, he shall be released on bail, on his furnishing adequate bail and surety bonds to the satisfaction of the arresting officer/Ilaqa Magistrate.

He shall also comply with all conditions stipulated in Section 438(2) of the Cr.P.C.

If the investigating officer does not actually join the petitioner in investigation, he would appear before the learned Ilaqa Magistrate immediately, who would then summon the arresting officer and direct him to join him in investigation, in terms of the order of this Court.”

Today, learned State counsel, on instructions of ASI Bharat Singh, submits that the petitioner has joined investigation on 04.09.2020, though the co-accused from whom the contraband is alleged to have been purchased, i.e. Govinda, has still not been arrested and therefore the petitioner is required to continually join investigation.

That being so, without making any comment on the actual merits of the case, this petition is allowed, with the order dated 31.08.2020, admitting the petitioner to interim bail, made absolute, on the same terms and conditions, subject further to the petitioner continuing to join investigation as and when summoned to do so by the investigating officer.”

He submits that the petitioner being similarly placed as Hira Singh, he cannot be treated differently and that he is in custody now for about 2 months.

Mr. Bhardwaj, learned DAG, Haryana, on the other hand, submits that the petitioner alongwith Hira Singh having conspired and thereafter planted contraband in the house of the complainant, he does not deserve the concession of bail.

However, obviously, he could not deny that a similarly placed co-accused has in fact been admitted to pre-arrest bail by this court (this very Bench), as per the above order.

That being so, without making any comment on the actual merits of the case, the petition is allowed, with the petitioner ordered to be admitted to bail to the satisfaction of the trial court/CJM/Duty Magistrate concerned.

September 23, 2020

dinesh

Whether speaking/reasoned
Whether Reportable

(AMOL RATTAN SINGH)

JUDGE

Yes
No