

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M No.28277 of 2020

DATE OF DECISION : 17th SEPTEMBER, 2020

Balwinder Singh @ Binder

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

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In virtual Court

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Present: Mr. Satnam Singh Gill, Advocate and
 Ms. Manjot Kaur, Advocate for the petitioner.

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RAJBIR SEHRAWAT, J. (Oral)

The present petition has been filed by the petitioner under Section 438 Cr.P.C for grant of anticipatory/pre-arrest bail in case FIR No.487 dated 02.09.2020 registered under Sections 15, 27-A & 29 of the Narcotics Drugs & Psychotropic Substances Act, 1985, at Police Station Shahabad, District Kurukshetra.

It is contended by counsel for the petitioner that the case against the petitioner is totally concocted. His name has been sought to be involved in the case only on the basis of disclosure statement of the co-accused Ram Karan from whom 90 Kg. *Doda Post* and 35 Kg. of *Chura Post*, has been recovered. Still further, it is submitted that it is not even allegation of the prosecution that the petitioner was named in secret information or that he had run away from the spot on seeing the police.

The petitioner will join the investigation. Hence, the petitioner deserves to be protected against his arrest.

Notice of motion.

Mr. Rupinder Singh Jhand, Addl. AG, Haryana, accepts notice on behalf of the State.

Learned counsel for the State, on being instructed by ASI Sudhir Kumar, has submitted that the the petitioner has been specifically named by the co-accused in his statement, from whom the contraband has been recovered. In fact, it was the petitioner who owned the material recovered from the co-accused. The petitioner was paying an amount of ₹1,000/- per bag to the co-accused for keeping the bags in his house. Therefore, in fact, it is the petitioner who is the real culprit. However, it is not disputed that it is not even the allegation that the petitioner was named in the secret information or that he was present at the spot and ran away on seeing the police.

In view of the above, but without commenting anything on merits of the case, the present petition is allowed. In the event of arrest, the petitioner be released on bail subject to his furnishing personal bonds/surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

17th SEPTEMBER, 2020
'raj'

(RAJBIR SEHRAWAT)
JUDGE

Whether speaking/reasoned:

Yes

No

Whether Reportable:

Yes

No