

CRM-M No.30178 of 2020 (O&M)
Date of Decision : 29.09.2020

Malkeet Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGHPresent : Mr. P.K. Ganga, Advocate
for the petitioner.

Mr. B.S.Virk, DAG, Haryana.

FATEH DEEP SINGH, J (ORAL)

The petitioner-Malkeet Singh has come up in this first anticipatory bail under Section 438 Cr.P.C in case FIR No.364, dated 13.08.2020, under Sections 22 (b) (Section 27 (A) added later on) of Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Rania, District Sirsa, Haryana.

As per the allegations on 13th August, 2020, the police apprehended two persons namely, Gagri and Sukhdev Singh coming on motor-cycle and from them contraband comprising of 380 Tramadol Hydrochloride capsules were recovered. It is on the statement of the co-accused that the name of the petitioner has cropped up being the supplier of the contraband.

Mr. P.K. Ganga, learned counsel for the petitioner *inter alia* contends that the petitioner is not named in the FIR and recovery has already been effected and has sought to challenge the validity of the statement of the co-accused.

Learned State counsel though does not displace the said fact but has strongly opposed the bail on the grounds of seriousness of offence.

Be so as it may, admittedly recovery stands effected. The petitioner is not named in the FIR and it is only on the statement of the co-accused non-applicants who have been apprehended, his name has cropped up. Thus the very legality and acceptability of such a piece of evidence which is the only evidence against the petitioner is subject to judicial trial.

In view of the aforesaid, the present petition is allowed. In the event of arrest, the petitioner shall be released on interim bail to the satisfaction of arresting/investigating officer till submission of report under section 173 Cr.P.C. (challan). The petitioner shall, however, join the investigation as and when called for and shall also abide by the conditions specified under section 438 (2) Cr.P.C. Thereafter, on presentation of challan, the petitioner will be permitted to furnish regular bail bonds to the satisfaction of the trial Court. Presently, the petitioner is directed to join the investigation within 15 days from the receipt of certified copy of this order.

(FATEH DEEP SINGH)
JUDGE

29.09.2020
Manpreet

Whether speaking/reasoned	Yes
Whether reportable	No