

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

208

CRM-M-30807 of 2020
Date of Decision: 26.11.2020

Prem Singh

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Atul Pratap Singh Dhankar, Advocate,
for the petitioner.

Mr. B. S. Virk, 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.

On 27.10.2020, the following order had been passed:-

“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 'pre-arrest bail', upon FIR No. 279 having been registered against him at Police Station Rania, District Sirsa, on 20.06.2020, alleging therein the commission of offences punishable under Section 22 (b) of the NDPS Act, 1985 and Section 25 of the Arms Act, 1959.

Notice of motion having been issued on 01.10.2020, an affidavit of Sh. Jagat Singh, Deputy Superintendent of Police, Ellenabad, District Sirsa, has been filed, stating therein that the petitioner was named as an accused by his father, who was

apprehended carrying an unlicensed .32 bore revolver and 40 grams of heroin.

Learned counsel for the petitioner submits that the alleged disclosure statement having been made in the presence of police officers only as witnesses, it obviously cannot be believed, with the petitioner not involved in any other criminal case at all.

Learned State counsel however reiterates the contention already made in the affidavit.

Having considered the above, without making any comment on the actual merits of the case, with there being no other criminal case registered against the petitioner and the disclosure statement allegedly made by his father to the effect that the petitioner had sold him the contraband/he had obtained the contraband from him, being one stated to have been made in custody, the petitioner is directed to join investigation within 05 days from today and upon him so joining, in case he is sought to be arrested, he would 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 the conditions stipulated in Section 438 (2) of the Cr.P.C.

If the arresting officer does not 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.

Adjourned to 26.11.2020.”

Today learned State counsel, on instructions, submits that though the petitioner has joined investigation, he is not revealing the source from whom the .32 bore revolver recovered from his father was purchased, with the father having disclosed that it was actually the petitioner who had purchased it.

Mr. Dhankhar however submits that, firstly, even the heroin allegedly recovered by the police was from his father and not from the petitioner, as was

the .32 bore revolver, with him further reiterating that in any case an alleged disclosure made by his father in police custody, cannot be relied upon to be true, to implicate the petitioner.

Having considered the matter, with there also being no other criminal case registered against the petitioner as per the instructions of learned State counsel, and agreeing, at least for the purpose of this petition, with the contentions raised by learned counsel for the petitioner, the petition is allowed, with the order dated 27.10.2020 made absolute on the same terms and conditions.

November 26, 2020
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(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	No