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

CRM-M No. 32293 of 2020
Date of Decision: 17.11.2020

Kewal Krishan

-Petitioner

Versus

State of Haryana

-Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Ms. Manjot Kaur, Advocate,
for the petitioner.

Mr. Rajat Gautam, D.A.G., Haryana.

RAJ MOHAN SINGH, J. (Oral)

The case has been taken up for hearing through video-conferencing.

Petitioner seeks grant of anticipatory bail under Section 438 Cr.P.C. in case bearing FIR No.487 dated 02.09.2020 registered under Sections 15, 27-A, 29 of NDPS Act at Police Station Shahabad, District Kurukshetra.

FIR was registered on the basis of secret information against Ram Karan. Petitioner has been implicated on the basis of disclosure statement of Ram Karan.

On 12.10.2020, learned State counsel sought time to have instructions in the context of any material collected by the

police in respect of linkage between the petitioner and co-accused who was arrested from the spot.

In compliance of aforesaid, learned State counsel has relied upon statement of one Amarjeet Singh recorded by the police under Section 161 Cr.P.C. who has deposed that the petitioner was having relations with the main accused.

Co-accused Balwinder Singh @ Binder who was also nominated on the basis of disclosure statement of the main accused has been granted concession of anticipatory bail vide order dated 17.09.2020 in CRM-M No.28277 of 2020.

The alleged complicity of the petitioner on the basis of statement of Amarjeet Singh under Section 161 Cr.P.C. would remain debatable.

In view of above, the petition is allowed. Petitioner is directed to appear before the SHO/Investigating Officer to join investigation on 24.01.2021 and in the event of his arrest, he shall be released on anticipatory bail on his furnishing bail bonds/surety bonds to the satisfaction of SHO/Investigating Agency subject to the following conditions as envisaged under Section 438(2) Cr.P.C:-

- i) that the petitioner shall make himself available for interrogation before the Investigating Officer as and when required;

ii) that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

ii) that the petitioner shall not leave the country, without prior permission of the Court and shall surrender his passport, if any.

November 17, 2020

Jyoti Sharma

(RAJ MOHAN SINGH)
JUDGE

1. Whether speaking/reasoned : Yes/No
2. Whether reportable : Yes/No