

CRM-M-54125-2019

Date of decision: 10.02.2020

SUKHBIR SINGH

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURIPresent: Mr. Sandeep Singh Jattan, Advocate
for the petitioner.

Mr. Sulinder Kumar, AAG, Haryana.

VIVEK PURI, J. (ORAL)

On 18.12.2019 following order was passed:-

“Prayer is for grant of anticipatory bail in case FIR No.446 dated 04.12.2019 under Section 15 of NDPS Act registered at Police Station Naraingarh, District Ambala.

The allegations against the petitioner in the FIR are that 4 kilograms 600 grams puppy husk was recovered from one Dharambir. The name of the petitioner surfaced in the disclosure statement of Dharambir that the recovered contraband was purchased by him from the petitioner.

Notice of motion for 10.02.2020.

Meanwhile, in the event of arrest, the petitioner shall be released on interim anticipatory bail to the satisfaction of the Arresting/Investigating Officer, subject to the conditions provided under Section 438 (2) Cr.P.C.

The petitioner is also directed to join the investigation and cooperate with the Investigating Agency, as and when required”.

It has been stated by the learned counsel for the petitioner that he

has joined the investigation in pursuance of the interim direction issued by the Court and nothing is to be recovered from him.

Learned State counsel has not disputed the factual position.

Keeping in view, the fact that the contraband has been recovered from the possession of the co-accused and that too falls in the category of less than commercial quantity and moreover petitioner had joined the investigation, sufficient exceptional circumstances are made out to extend the concession of pre-arrest bail to the petitioner.

Without expressing any opinion on the merits of the case, the order dated 18.12.2019, granting interim bail to the petitioner is made absolute.

However, the petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C. He shall also join investigation as and when called upon to do so.

The petition is accordingly, allowed.

10.02.2020
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(VIVEK PURI)
JUDGE

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No