

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 202

CRM-M-1250-2021

Date of decision : 11.02.2021

Vijay Singh

..... Petitioner

VERSUS

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.Sandeep Siwach, Advocate, for the petitioner.

Mr.Ashok Kumar Sehrawat, DAG, Haryana.

DEEPAK SIBAL, J. (Oral)

Case taken up through video conferencing.

Through the present petition filed under Section 438 Cr.P.C. the petitioner seeks the grant of anticipatory bail in FIR No.562 dated 24.11.2020, registered under Sections 21(b)/27A of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, the NDPS Act) at Police Station City Fatehabad, district Fatehabad.

The petitioner is sought to be prosecuted for having allegedly supplied 6.36 grams of heroin to one Ravi Kumar.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case; he is not involved in any other criminal case; the only evidence against the petitioner is a disclosure statement by a co-accused in police custody which has no evidentiary value; even if the case of the prosecution is taken as the gospel truth, though vehemently denied, the recovery from the co-accused is of 6.36 grams of heroin which is marginally above the "small quantity" under the NDPS Act and that under the interim orders passed by this Court the petitioner has not only joined the investigation but has also fully cooperated with the investigating agency.

Learned State counsel submits that under the interim orders passed by this Court the petitioner has shown his *bona fide* by joining the investigation and cooperating with the investigating agency and that his custodial interrogation is not required by the State.

Keeping in view the totality of the above noticed facts especially the statement made by the learned State counsel that the petitioner has joined the investigation and that his custodial interrogation is not required, the order of this Court dated 12.01.2021, granting ad interim anticipatory bail to the petitioner is made absolute.

Nothing observed herein-above shall be considered to be an expression of opinion by this Court on the merits of the case.

11.02.2021
shamsher

[DEEPAK SIBAL]
JUDGE

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