

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

* * *

**CRM-M-2535 of 2021
Date of Decision: 19.01.2021**

Kulwinder Singh

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Charanjit Singh, Advocate for the petitioner.
Ms. Mahima Yashpal, DAG, Haryana.

* * *

Avneesh Jhingan, J. (Oral)

The matter is taken up for hearing through video conference due to COVID-19 situation.

This is a petition seeking anticipatory bail in FIR No. 198 dated 30.11.2020, under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the Act'), registered at Police Station Baragudha, District Sirsa.

It is stated in the FIR that during routine patrolling, the police party saw Jasbir Singh alias Jassi riding motor cycle bearing registration No. PB31-F-7359. On seeing the police party, he suddenly tried to turn back the motor cycle. He was apprehended, on checking 6.03 grams of heroin was recovered. A disclosure statement was made by the accused that the recovered heroin belongs to him as well as the petitioner and the same was purchased from Kaka.

Learned counsel for the petitioner submits that the petitioner was not apprehended at the spot; no recovery was made from him and his name surfaced only in the disclosure statement which has no evidentiary value. He

further submits that the petitioner is not involved in any other case under the Act.

Learned counsel for the State vehemently opposes the prayer for grant of anticipatory bail.

Considering that recovery is not from the petitioner; even the recovery is of non-commercial quantity and the name of the petitioner came only in the disclosure statement, the petitioner is granted anticipatory bail subject to his joining investigation within two weeks. In the event of arrest, the petitioner shall be released on bail subject to his furnishing adequate bail bonds to the satisfaction of Investigating/ Arresting Officer. He is directed to join the investigation as and when called. He shall be bound by the conditions under Section 438(2) Cr.P.C.

The petition stands disposed of.

It is clarified that in case of failure of the petitioner to join the investigation within the stipulated time, the State would be at liberty to file an application for re-calling the order.

(AVNEESH JHINGAN)
JUDGE

19.01.2021
mk

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No