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

CRM-M-9108-2021
Date of decision : 01.09.2021

Vikram Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Satbir Singh Gill, Advocate for the petitioner.

Mr. Manish Dadwal, AAG, Haryana.

(Through Video Conferencing)

VIKAS BAHL, J. (ORAL)

Prayer in the present petition is for grant of anticipatory bail to the petitioner in FIR No.10 dated 10.01.2021 registered under Sections 21 (b), 27/A of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Sadar Fatehabad, District Fatehabad.

On 26.02.2021, when this case came up for hearing before the Coordinate Bench of this Court, the following order was passed:-

“The case is taken up through video conferencing on account of COVID 2019.

This is a petition filed under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No. 10 dated

10.1.2021, registered under Sections 21 (b), 27 A of NDPS Act at Police Station Sadar, Fatehabad, District Fatehabad.

As per allegations in FIR, 15 grams of heroin was recovered from one Binder Singh. Said Binder Singh in his disclosure statement stated that he had purchased said heroin from petitioner.

Learned counsel for petitioner states that petitioner has been falsely implicated only on the basis of alleged statement of Binder Singh.

Notice of motion.

Mr. Tapan Kumar, DAG Haryana accepts notice on behalf of respondent State.

Adjourned to 12.5.2021.

In the meanwhile, in the event of arrest of petitioner, he shall be released on interim anticipatory bail to the satisfaction of Arresting Officer/Investigating Officer. He will join investigation as and when called for and cooperate in same. He will abide by conditions of Section 438 (2) Cr.P.C. ”

Learned counsel for the petitioner has submitted that the petitioner has joined the investigation and the alleged recovery of non-commercial quantity was from the co-accused namely Binder Singh and it is only on the basis of his disclosure statement, the petitioner has been implicated.

Learned counsel for the petitioner has relied upon an order passed by Coordinate Bench of this Court dated 17.06.2020 in CRM-M-12051-2020 titled “**Mewa Singh Vs. State of Punjab**”, order dated 16.07.2021 passed in CRM-M-12997-2020 titled “**Daljit Singh Vs. State of Haryana**”, and order dated 07.10.2015 passed in CRM-M-25433-2015, titled

“*Dharamveer and another Vs. State of Punjab*”, to contend that in such like cases if a person has only been proceeded against on the basis of disclosure statement of co-accused and no recovery has been effected from the petitioner, then he should be granted the benefit of anticipatory bail.

Learned counsel for the State, on instructions from ASI Narinder Kumar, has submitted that there are three more other cases against the petitioner, but, however, has fairly stated that in two cases, the petitioner has been acquitted and in the third case, he has been released on bail. It is further submitted that the petitioner has joined the investigation in the present case.

Keeping in view the abovesaid facts and circumstances, moreso the facts that no recovery has been made from the petitioner and he has only been implicated on account of disclosure statement of co-accused and also the fact that the petitioner has joined the investigation, the interim order dated 26.02.2021 is ordered to be made absolute.

Accordingly, the present petition is allowed.

Nothing stated above shall be construed as an expression of opinion on the merits of the case.

01.09.2021

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No