

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

212

CRM-M-9013-2020
Date of decision: 19.07.2021

GURPREET SINGH

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Manvinder Sidhu, Advocate
for the petitioner.

Mr. Ranvir Singh Arya, Addl. A.G. Haryana
for the respondent-State.

ARUN KUMAR TYAGI, J. (ORAL)

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

The petitioner has filed this petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail in case FIR No. 0018 dated 02.02.2020 registered under Sections 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Odhan, District Sirsa.

While issuing notice of motion, the Co-ordinate Bench of this Court had granted interim anticipatory bail to the petitioner with direction to join the investigation.

The petition has been opposed by the learned State Counsel. However, no reply has been filed by the respondent-State.

I have heard learned Counsel for the petitioner and learned State Counsel and have gone through the record.

Learned Counsel for the petitioner has submitted that as per

the prosecution version on dated 02.02.2020 co-accused-Swaran Singh was apprehended by the Police party headed by SI-Dalip Singh and recovery of 150 intoxicant tablets containing Tramadol Hydrochloride 100mg each was made from his possession. The petitioner was not apprehended on the spot and no recovery was made from him and he was not named in the FIR. The petitioner had no concern with co-accused-Swaran Singh and was not involved in commission of the offence but he has been falsely implicated in the case on the basis of alleged disclosure statement of co-accused- Swaran Singh. There is no other material against the petitioner except the disclosure statement of co-accused which would not be of any substantive evidentiary value. Rigors of Section 37(1)(b) of the NDPS Act are not applicable qua the petitioner. In compliance with order dated 02.03.2020 passed by the Co-ordinate Bench, the petitioner joined the investigation and his custodial interrogation is not required in the case. Therefore he may be granted anticipatory bail.

Learned State Counsel has vehemently opposed the petition and submitted that in view of gravity of accusation, the petitioner does not deserve grant of anticipatory bail. Therefore, the petition may be dismissed.

However, learned State Counsel has, on instructions from SI Madan Lal, acknowledged that in compliance with order dated 02.03.2020 passed by Co-ordinate Bench of this Court, the petitioner has joined the investigation and that his custodial interrogation is not required in the present case.

In view of the facts and circumstances of the case, nature of accusation against the petitioner, the fact that custodial interrogation of the petitioner is not required in the case and there is no material to

justify the apprehension of the petitioner fleeing from justice or tampering with evidence or criminally intimidating the prosecution witnesses, but without expressing any opinion on the merits of the case, I am of the considered view that the petitioner deserves the grant of anticipatory bail.

In view of the above, the petition is allowed and order dated 02.03.2020 granting interim bail to the petitioner is made absolute. However, the petitioner shall join the investigation again if and as and when called upon to do so and shall abide by the conditions enumerated in Section 438 (2) of the Cr.P.C., failing which the protection of anticipatory bail order shall not be available to him.

19.07.2021

Vishal

(ARUN KUMAR TYAGI)
JUDGE

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