

203

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

CRM-M-13590-2021

Date of decision-27.09.2021

BHAGWANT SINGH**...Petitioner****Vs.****STATE OF HARYANA****...Respondent****CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ**

Present: Mr. S.S. Sahu, Advocate
for the petitioner.

Kanwar Sanjiv Kumar, AAG, Haryana.

MANOJ BAJAJ, J. (ORAL)

This petition has been filed by the petitioner under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.65 dated 10.03.2021, under Sections 20/27-A NDPS Act 1985, registered at Police Station, Sadar Fatehabad, District Fatehabad. The petitioner apprehended his arrest at the hands of Police, in the above FIR.

Learned counsel for the petitioner has invited the attention of the Court to the order dated 24.03.2021, whereby, while issuing notice of motion to respondent-State, the interim protection was extended to the petitioner. The said order reads as under:-

“Learned counsel for the petitioner submits that the petitioner herein has been falsely implicated in the instant FIR. It is argued that the petitioner was not apprehended on the spot with the alleged contraband. In fact, it was one Manpreet Singh, who was caught holding a plastic bag containing the alleged contraband, who named the petitioner herein. It is also submitted that there is no other case

pending against the petitioner under the NDPS Act.

Notice of motion.

Ms. Deepshikha Chauhan, AAG, Haryana, who is present through the medium of video conferencing, accepts notice on behalf of the respondent—State and opposes the grant of anticipatory bail but is not in a position to dispute the facts that the petitioner has been named on the basis of the statement made by co-accused and the petitioner is not involved in any other case under the NDPS Act. She seeks time to file reply.

Adjourned to 27.9.2021.

Meanwhile, the petitioner is directed to join the investigation within a period of one week and on his doing so, in the event of arrest the petitioner be released on interim bail to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall continue to join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.”

Learned counsel for the petitioner further contends that in deference to the said order, the petitioner submitted himself before the Police and joined the investigation. According to him, the petitioner cooperated with the Police Authorities during the investigation and furnished requisite bonds to the satisfaction of the Investigating Officer/Arresting Officer.

Learned State counsel, who is assisted by Virender Singh does not dispute this fact that the petitioner has joined the investigation and he is not required for custodial interrogation for the time being.

Considering the above, the petition is allowed and the interim bail granted by this Court vide order dated 24.03.2021 is made absolute.

(MANOJ BAJAJ)
JUDGE

27.09.2021

Vipin kumar

Whether speaking/reasoned :

Yes

No

Whether Reportable :

Yes

No