

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-15493-2021

Date of Decision: 20.04.2021

Gurpreet Singh

Petitioner

Versus

State of Haryana

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Vikas Bishnoi Godara, Advocate for the petitioner.

Ms. Dimple Jain, Assistant Advocate General, Haryana
assisted by ASI Satish Kumar.

AVNEESH JHINGAN, J (Oral):

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

This is a petition seeking bail in FIR No. 451, dated 21.11.2020, under Sections 21 (b) and 27A of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the Act') registered at Police Station Sadar, Fatehabad, District Fatehabad.

On secret information received, checking was done on 21.11.2020. On checking a Ritz Car of silver color bearing registration No. HR-24R-3130, Mukesh Kumar @ Latu and Soni were apprehended and 25.15 grams of heroin was recovered. During investigation, the name of petitioner surfaced in the disclosure statement.

Learned counsel for the petitioner submits that petitioner was not apprehended at the spot; no recovery was made from him and he was named in the disclosure statement.

Learned counsel for the State opposes the pre-arrest bail

on the ground that petitioner is involved in two more cases under the Act.

Learned counsel for the petitioner submits that petitioner was granted bail in other two cases and recovery effected from him was of non-commercial quantity in those cases.

The petitioner was not present at the time of checking. No recovery is to be effected from the petitioner. He was named in the disclosure statement. Mere pendency of other cases would not enough to deprive the petitioner of his personal liberty.

The petitioner is granted anticipatory bail subject to his joining investigation within two weeks. In the event of arrest, he shall be released on bail subject to his furnishing adequate bail bonds to the satisfaction of the investigating officer. He is directed to join investigation as and when called for. He shall abide by the conditions as envisaged under Section 438 (2) Cr.P.C.

The petition is allowed.

In case of failure of the petitioner to join the investigation, the State would be at liberty to file an application for recalling of this order.

[AVNEESH JHINGAN]
JUDGE

20th April, 2021

pankaj barweja

1. Whether speaking/ reasoned	:	Yes
2. Whether reportable	:	Yes