

101

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.20043 of 2021 (O&M)

Date of decision: 23.07.2021

Manoj

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

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

Mr. Deepak Grewal, DAG, Haryana.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for grant of anticipatory bail to the petitioner in FIR No.101 dated 09.04.2021 registered under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short 'the NDPS Act') at Police Station Civil Lines, Sirsa, District Sirsa.

Counsel for the petitioner has argued that as per the allegations in the FIR, the police party headed by ASI Data Ram, on suspicion, apprehended the co-accused Sanjeev Kumar @ Sonu. Thereafter, by following a procedure, his personal search was conducted and he was found in possession of 8.82 gsm of Heroin concealed in a polythene bag. It is further submitted that thereafter, the petitioner was nominated in the case on the basis of the disclosure statement of the said co-accused with the allegation that the petitioner has supplied the same to him.

Counsel for the petitioner has further submitted that though it will be a matter of trial whether the disclosure statement made by the co-accused is admissible against the petitioner or not, however, the Additional Sessions Judge, has dismissed the bail application on the premise that the petitioner is facing trial in one more case.

Counsel for the petitioner has placed on record the copy of the FIR and the order granting bail to him and further submits that as on

CASE HEARD THROUGH VIDEO CONFERENCING

today, the petitioner stands acquitted in the said case.

Lastly, it is argued that even in that FIR, the petitioner was nominated on the basis of the disclosure statement of the co-accused.

Counsel for the State could not dispute the factual position that the recovery from the co-accused is of non-commercial quantity.

After hearing the counsel for the parties, considering the fact that the petitioner is not involved in any other case under the NDPS Act and conclusion of the trial will take some time due to COVID-19 situation and also in view of the judgment passed by the Hon'ble Supreme Court in ***“Tofan Singh vs State of Tamil Nadu”, 2013(4) RCR (Criminal) 631***, this petition is allowed and the petitioner is directed to appear before the Investigation Officer within a period of 10 days from today to join the investigation and he will be released on interim bail on furnishing bail/surety bonds to the satisfaction of the Investigating Officer subject to the conditions envisaged under Section 438(2) Cr.P.C.

It will be open for the Investigating Officer to issue an advance notice in writing to the petitioner, to join the investigation as and when he required for the investigation.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

**(ARVIND SINGH SANGWAN)
JUDGE**

23.07.2021
yakub

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No