

212 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.23279 of 2021
Date of Decision : 17.08.2021

Sukhdeep Singh ...Petitioner

versus

State of HaryanaRespondent

Coram : Hon'ble Mr. Justice B.S. Walia

Present : Mr. Amit Choudhary, Advocate for the petitioner.
Mr. Pawan Kumar Longia, DAG, Haryana.

B.S. Walia, J. (VC)

1. Case is being taken up for hearing through Video Conferencing due to Covid-19 pandemic.

2. Prayer in the petition under Section 438 Cr.P.C. is for grant of pre-arrest bail to the petitioner in case FIR No.102 dated 31.05.2021 registered under Sections 18, 61 and 85 of the NDPS Act, 1985, Section 51(b) of the Disaster Management Act, 2005 and Sections 188& 269 IPC, 1860 at Police Station SadarTohana, District Fatehabad.

3. On 17.06.2021, the following order was passed:-

“ Inter alia contends that positive case of the prosecution, as per allegations in the FIR, is recovery of non-commercial quantity of contraband i.e. 280 grams of opium from the conscious possession of prime accused Navdeep Singh. However, on alleged custodial disclosure of prime accused, petitioner is now apprehending his implication in the FIR. Learned counsel argues that the

custodial disclosure statement in itself is not an admissible evidence and in any case, no recovery has been made from the petitioner. Alleged recovery, if any, made from the prime accused is also noncommercial quantity of opium as aforesaid. Learned counsel for the petitioner contends that petitioner has clean antecedents as he has neither been involved in similar case and/or any other criminal case in past and would suffer irreparable loss, as he is a young man of 28 years and would suffer a permanent scar on his career prospects for rest of his life, in case he is put under incarceration.

Notice of motion.

Learned State counsel, on advance service, joins proceedings and accepts notice on behalf of the respondent-State of Haryana and seeks time to get instructions.

Adjourned to 17.08.2021.

In the meanwhile, subject to petitioner's joining investigation within 15 days from today, no coercive steps qua his arrest shall be taken till the next date of hearing. ”

4. Today, learned counsel for the petitioner contends while learned State counsel on instructions from ASI Kapil Dev, confirms that pursuant to the order of this Court dated 17.06.2021, the petitioner joined investigation, fully cooperated with the police, was released on ad interim pre arrest bail and that his custodial interrogation is not required.

5. In view of the statement of learned State counsel, order dated 17.06.2021, passed by this Court, is made absolute. The petitioner shall abide by the terms and conditions enumerated in Section 438(2)

Cr.P.C.

6. Petition stands *disposed of* in the aforementioned terms.

(B.S. Walia)
Judge

17.08.2021
'Rajneesh'

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