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

CRM-M No. 27018 of 2021
Date of Decision: 13.08.2021

Sukhvinder Singh @ Binda @ Bablu

-Petitioner

Versus

State of Haryana

-Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Fariad Singh Virk, Advocate,
for the petitioner.

Mr. Anant Kataria, D.A.G., Haryana.

RAJ MOHAN SINGH, J. (Oral)

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

Petitioner seeks grant of anticipatory bail under Section 438 Cr.P.C. in case bearing FIR No.68 dated 19.06.2021 registered under Section 21(B) and 27-A of NDPS Act at Police Station Jakhal, District Fatehabad.

As per allegations, petitioner was nominated on the basis of disclosure statement of his wife namely Veerpal Kaur from whom 6.27 grams of Heroin was recovered in a case of chance recovery, after giving notice under Section 50 of NDPS Act.

According to the disclosure statement, 12 grams of Heroin was allegedly supplied to Veerpal Kaur by the petitioner.

Notice of motion was issued on 14.07.2021 and the State was directed to file written response to the petition, informing as to whether petitioner is involved in other criminal case or not.

In compliance of the said order, State has filed reply disclosing that in FIR No.222 dated 28.10.2015 under Section 21 of NDPS Act, Police Station Jakhal involving small quantity, trial is pending. In FIR No.188 dated 17.11.2017 under Section 21 of NDPS Act, Police Station Jakhal involving small quantity, trial is also pending. In FIR No.118 dated 27.09.2019 under Sections 27, 29/61/85 of NDPS Act and under Section 304 IPC, Police Station Moonak, trial is also pending. In FIR No.117 dated 27.06.2017 under Section 21 of NDPS Act, Police Station Jakhal, trial is also pending. In all the aforesaid cases, petitioner is on bail. In FIR No.57 dated 23.03.2016 under Section 21 of NDPS Act, FIR No.72 dated 14.04.2016 under Section 21 of NDPS Act, petitioner has been acquitted.

In view of aforesaid factual position, I deem it appropriate to consider the prayer for anticipatory bail of the petitioner.

In view of above, the petition is allowed. Petitioner is directed to appear before the SHO/Investigating Officer to join investigation on 19.08.2021 and in the event of his arrest, he shall be released on anticipatory bail on his furnishing bail bonds to the satisfaction of SHO/Investigating Agency subject to the following conditions as envisaged under Section 438(2) Cr.P.C:-

- i) that the petitioner shall make himself available for interrogation before the Investigating Officer as and when required;
- ii) that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;
- iii) that the petitioner shall not leave the country, without prior permission of the Court and shall surrender his passport, if any.

August 13, 2021

Jyoti Sharma

(RAJ MOHAN SINGH)
JUDGE

- 1. Whether speaking/reasoned : Yes/No
- 2. Whether reportable : Yes/No