

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

**CRM-M-27173 of 2021
Date of Decision: 15.07.2021**

Rajvinder Singh @ Shinku

Petitioner

Versus

State of Haryana

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. V. B. Godara, Advocate for the petitioner.
Ms. Dimple Jain, AAG, Haryana.

AVNEESH JHINGAN, J (Oral):

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

This petition under Section 438 Cr.P.C. is filed seeking anticipatory bail in FIR No. 178 dated 28.6.2021, under Section 21 of the NDPS Act, 1985, registered at Police Station Civil Lines, Sirsa.

On 28.6.2021, during routine checking the police apprehended Ajay Singh @ Ajju (juvenile) and 85 grams of heroin was recovered from his possession. During investigation, in a disclosure statement he named the petitioner stating that heroin was purchased from the petitioner.

Learned counsel for the petitioner submits that the petitioner was not apprehended at the spot, no recovery was made from him and his name surfaced in the disclosure statement.

Learned counsel for the State opposes the prayer for grant of anticipatory bail. He submits that the petitioner is involved in another case and the allegations are that he sold heroin to the co-accused.

The petitioner was not apprehended at the spot, no recovery was made from him and the recovery from the co-accused is of non-commercial quantity. In the earlier case, the petitioner is on anticipatory

bail. Even in that case, recovery was of 10 grams heroin.

Considering the facts and circumstances in totality, the petitioner is granted anticipatory bail subject to his joining investigation within 10 days. In the event of arrest, the petitioner shall be released on bail subject to his furnishing adequate bail bonds to the satisfaction of the Investigating Officer. He is directed to join the 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 petitioner to join the investigation, the State would be at liberty to file an application for re-calling of this order.

[AVNEESH JHINGAN]
JUDGE

15th July, 2021
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| 1. Whether speaking/ reasoned | : | Yes |
| 2. Whether reportable | : | Yes |