

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-26884 of 2020

DECIDED ON: 7th JANUARY, 2021

Ankit Khendelwal @ Ankit Khandelwal

.....PETITIONER

VERSUS

State of Haryana

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. Keshav Pratap Singh, Advocate for the petitioner.

Mr. Deepak Bhardwaj, DAG, Haryana.

AVNEESH JHINGAN, J (ORAL)

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

This is a petition seeking anticipatory bail.

On 28.9.2020 the following order was passed:

"CRM-M-26884 of 2020

The present petition is directed against rejection of anticipatory bail by Additional Sessions Judge, Palwal vide order dated 24.8.2020 in FIR No. 312 dated 8.7.2020, under Sections 22(B), 22(C) and 29 of the Act registered at Police Station, City Palwal.

As per the allegations in the FIR, intoxicating medicines weighing 168.9 grams, 16.89 grams, 11.36 grams, 3.600 grams and 120 grams were recovered from one Sunil Kumar. During investigation in a disclosure statement made, the name of the petitioner surfaced that Sunil Kumar received these medicines from the petitioner. Application for anticipatory bail was filed, the same was rejected, hence the present petition.

Learned counsel for the petitioner submits that the name of the petitioner does not find mention in the FIR and there is no other case pending against him. He further submits that report of the laboratory has not yet been received and it is debatable issue as to whether recovery made from Sunil Kumar is a commercial quantity.

Learned counsel for the State on instructions from Superintendent of Police, Palwal submits that though there is no other case registered against the petitioner but as the petitioner belongs to Uttar Pradesh, there is a fair chance of his absconding and custodial interrogation is required to find the source of procurement of medicines. However, it is submitted that in case the court is inclined to grant anticipatory bail, heavy surety amount be ordered to ensure that the petitioner participates in the investigation as and when called for.

Learned counsel for the petitioner at this stage submits that the petitioner is willing to furnish bond of Rs. 7,50,000/- of a local resident of Haryana.

Considering the facts and circumstances, prima facie it makes a debatable case of the petitioner that his name surfaced only in the disclosure statement, there is no other case registered against him under the Act and the report of the laboratory is yet awaited, interim bail is granted to the petitioner subject to his joining investigation within two weeks from today and on furnishing of surety bond of Rs.7,50,000/- of a local resident of Haryana.

Adjourned to 7.1.2021."

Learned counsel for the petitioner submits that the petitioner has joined investigation and has furnished surety bond of Rs.7,50,000/-.

Learned State counsel on instructions from Sub Inspector Surinder Singh states that the petitioner has joined investigation on 1.11.2020.

In view of the above fact, the order dated 28.9.2020 is made absolute.

(AVNEESH JHINGAN)
JUDGE

7th JANUARY, 2021

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<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>