

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

CRM-M-27364-2020

Date of decision:09.03.2021

Jaibir

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. J.S. Bedi, Senior Advocate with
Mr. Sunil Sihag, Advocate for the petitioner

Mr. Apoorv Garg, D.A.G. Haryana.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

Through this petition under Section 438 Cr.P.C, the petitioner seeks anticipatory bail in case bearing FIR No.125 dated 11.06.2020 registered under Sections 17, 27-A, 61 and 85 of NDPS Act, 1985 at Police Station Nathusari Chopta, District Sirsa.

Vide order dated 30.09.2020 passed by this Court, *ad-interim* anticipatory bail was granted to the petitioner.

Learned counsel for the petitioner submits that in compliance of the order dated 30.09.2020 passed by this Court, the petitioner has joined the investigation. It is further submitted that the petitioner was indicted on the disclosure statement of co-accused,

Dinesh Kumar, who was arrested on the spot by the police. It is further

stated that as per confession, the petitioner was supposed to receive the contraband. The petitioner was in custody and was brought on a production warrants and no recovery was effected from him at that stage. He relies upon the judgments of the Hon'ble Supreme Court passed in Criminal Appeal-152-2013 titled as Tofan Singh Vs. State of Tamil Nadu, decided on 29.10.2020, in the case titled Prabhakar Tewari Vs. State of U.P. and another, 2020(1) RCR (Criminal) 831 and in the case titled Surinder Kumar Khanna vs. Intelligence Officer Directorate of Revenue Intelligence, 2018 AIR SC 3574.

Learned State counsel, while opposing the prayer for grant of bail to the petitioner, relies upon the judgment of Hon'ble Supreme Court passed in Satpal Singh Vs. State of Punjab 2018 AIR (SC) 2011, judgment of Kerala High Court passed in State of Kerala represented by the Inspector of Police Vs. Mohammed Riyas 2020 (3) ILR (Kerala) 879 and judgments of the Coordinate Benches of this Court passed in CRM-M-35482-2020 titled Surender Vs. State of Haryana, decided on 03.11.2020 and in CRM-M-34484-2020 titled Akashdeep Vs. State of Punjab, decided on 19.11.2020. It is further submitted that the petitioner has joined the investigation but is required for further investigation.

I have heard learned counsel for the parties.

As noticed above, in the present case, the petitioner was indicted on the disclosure statement of co-accused, Dinesh Kumar, who was arrested on the spot by the police and no recovery was effected from the petitioner at that stage.

In view of the above, without commenting on the merits of the case, the present petition is allowed and the order dated 30.09.2020 granting interim bail to the petitioner, is made absolute, subject to the conditions laid down in Section 438 (2) Cr.P.C.

09.03.2021
ishwar

(HARNARESH SINGH GILL)
JUDGE

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