

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

202

CRM-M-27451-2020

Date of decision: 07.04.2021

ANGREJ SINGH

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. D.S.Virk, Advocate
for the petitioner.

Mr. Ranvir Singh Arya, Addl. A.G. Haryana
for the respondent-State.

ARUN KUMAR TYAGI, J. (ORAL)

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

The petitioner has filed the present petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail in case FIR No.271 dated 13.06.2020 registered under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Rania, District Sirsa.

This Court had, vide order dated 11.09.2020, while issuing notice of motion, granted interim anticipatory bail to the petitioner with direction to join the investigation and relevant part of the above said order reads as under:-

“Learned Counsel for the petitioner has submitted the petitioner has been falsely implicated in the case on the basis of disclosure statement made by the co-accused. The petitioner was not arrested on the spot and nothing was recovered from him. There is no evidence to show any connection of the petitioner with the co-accused except the disclosure statement. The petitioner is ready to join the investigation.

Notice of motion.

Pursuant to supply of advance copy of the petition, Mr. Naveen Singh Panwar, DAG, Haryana has appeared and accepted notice on behalf of the respondent-State.

Learned State Counsel seeks time to file reply.

Adjourned to 26.10.2020.

In the meanwhile, the petitioner is directed to join the investigation as and when called upon to do so. In the event of his arrest, the petitioner shall be released on interim bail by the arresting officer/investigating officer on furnishing of bail bonds by him to the satisfaction of the arresting officer/investigating officer. The petitioner shall comply with the conditions enumerated under Section 438(2) of the Cr.P.C. failing which he shall not be entitled to the protection of interim bail allowed to him.”

The petition has been opposed by the learned State Counsel in terms of status report filed by way of affidavit of Jagat Singh, Deputy Superintendent of Police, Ellenabad, District Sirsa in the Registry which is taken on record.

I have heard learned Counsel for the petitioner and learned State Counsel and have gone through the record.

Learned counsel for the petitioner has submitted that the petitioner was not arrested on the spot and no recovery was made from him. The petitioner has been falsely implicated in the present case on the basis of disclosure statement of co-accused which is not of any evidentiary value against the petitioner. The petitioner has been falsely implicated in one more case under the NDPS Act. In compliance with order dated 11.09.2020, the petitioner has joined the investigation and he may be granted anticipatory bail as his custodial interrogation is not necessary in the case for effecting any recovery or for any other purpose.

Learned State Counsel has vehemently opposed the petition and submitted that in view of gravity of accusation, the petitioner does not deserve grant of anticipatory bail. Therefore, the petition may be dismissed.

However, learned State Counsel has, on instructions from SI Rajesh, acknowledged that in compliance with order dated 11.09.2020 passed by this Court, the petitioner has joined the investigation and that his custodial interrogation is not required in the

present case for effecting any recovery.

In view of the facts and circumstances of the case, nature of accusation against the petitioner who has been implicated in the present case on the basis of disclosure statement of co-accused, the fact that custodial interrogation of the petitioner is not required in the case, in-applicability of Section 37(1)(b) of the NDPS Act qua the petitioner and there being no material to justify the apprehension of the petitioner fleeing from justice or tampering with evidence or criminally intimidating the prosecution witnesses, but without expressing any opinion on the merits of the case, I am of the considered view that the petitioner deserves the grant of anticipatory bail.

In view of the above, the petition is allowed and order dated 11.09.2020 granting interim bail to the petitioner is made absolute. However, the petitioner shall join the investigation again if and as and when called upon to do so and shall abide by the conditions enumerated in Section 438 (2)(i) to (iii) of the Cr.P.C. In view of Section 438(2)(iv) read with Section 437(3)(b) of the Cr.P.C. anticipatory bail granted to the petitioner shall also be subject to the condition that he shall not commit any similar offence under the NDPS Act after his release on anticipatory bail. In case of non-compliance of the above-said conditions, the petitioner shall not be entitled to the protection of anticipatory bail allowed to him.

07.04.2021

Vishal

**(ARUN KUMAR TYAGI)
JUDGE**

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