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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-35873-2020

Date of decision-30.11.2021

DARSHAN SINGH

...Petitioner

Vs.

STATE OF HARYANA

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Ms. Swati Verma, Advocate for
Mr. S.S. Sahu, Advocate
for the petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana.

MANOJ BAJAJ, J. (ORAL)

This petition has been filed by the petitioner under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.253 dated 13.10.2020, under Sections 15/27-A/61/85 NDPS Act, registered at Police Station Sadar Tohana, Tehsil Tohana, District Fatehabad. The petitioner apprehended his arrest at the hands of Police, in the above FIR.

Learned counsel for the petitioner has invited the attention of the Court to the order dated 04.11.2020, whereby, while issuing notice of motion to respondent-State, the interim protection was extended to the petitioner. The said order reads as under:-

*“Case taken up through video conferencing.
Learned counsel for the petitioner inter alia contends that the petitioner has been falsely implicated in the case; no recovery has been effected from the petitioner; petitioner is not involved in any*

other criminal case; he has been involved in the present case only on the disclosure statement of co-accused to the effect that they had sold 10 kgs of poppy straw to the petitioner which is false and in any case weak evidence and that the petitioner is ready and willing to join the investigation as and when called by the investigating agency.

Notice of motion.

Mr. Ashok Kumar Sehrawat, DAG, Haryana, accepts notice on behalf of the respondent-State.

For arguments, adjourned to 14.12.2020.

In the meanwhile subject to the petitioner's joining investigation as and when called by the investigating agency as also abiding by the other conditions provided under Section 438(2) Cr.P.C, in the event of his arrest in FIR No.253 dated 13.10.2020 registered under Sections 15/27-A/61/85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Sadar Tohana, District Fatehabad, he shall be released on ad interim anticipatory bail to the satisfaction of the Arresting Officer. ”

Learned counsel for the petitioner further contends that in deference to the said order, the petitioner submitted himself before the Police and joined the investigation. According to him, the petitioner cooperated with the Police Authorities during the investigation and furnished requisite bonds to the satisfaction of the Investigating Officer/Arresting Officer.

Learned State counsel, who is assisted by ASI Phool Kumar does not dispute this fact that the petitioner has joined the investigation and he is not required for custodial interrogation for the time being.

Considering the above, the petition is allowed and the interim bail granted by this Court vide order dated 04.11.2020 is made absolute.

(MANOJ BAJAJ)
JUDGE

30.11.2021

Vipin kumar

Whether speaking/reasoned :

Yes

No

Whether Reportable :

Yes

No