

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-41099-2021

Date of decision : 13.12.2021

Sukhdev Singh alias Sukha

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

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

Mr.Manish Dadwal, AAG, Haryana.

(Through Video Conferencing)

VIKAS BAHL, J.(ORAL)

This is a first petition under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in FIR no.106 dated 04.08.2021 registered unde Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Baragudha, District Sirsa.

On 30.09.2021, this Court had passed the following order:-

“Prayer in the present petition is for grant of anticipatory bail to the petitioner in FIR No.106 dated 04.08.2021 registered under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Baragudha, District Sirsa.

Learned counsel for the petitioner inter alia contends that no recovery was made from the petitioner and the petitioner has been implicated on the basis of disclosure statement of co-accused from whom 10 grams

of heroin is alleged to have been recovered. With respect to the said aspect, learned counsel for the petitioner has relied upon an order passed by Coordinate Bench of this Court dated 17.06.2020 in CRM-M-12051-2020 titled “Mewa Singh Vs. State of Punjab”, and an order of this Court dated 16.07.2021 passed in CRM-M-12997-2020 titled as “Daljit Singh Vs. State of Haryana”. It is further submitted by the learned counsel for the petitioner that although, there are two more cases against the petitioner, however, in both the said cases, the petitioner is on bail. As far as FIR No.81 dated 19.03.2021 is concerned, reference has been made to the order dated 03.06.2021 (Annexure P-5) passed by the Coordinate Bench of this Court, vide which the petitioner has been granted the concession of anticipatory bail as in that case also, he was made as an accused on the basis of disclosure statement. Further, as far as FIR No.91 dated 27.03.2021 is concerned, reference has been made to the order dated 24.09.2021 (Annexure P-6) passed by the Coordinate Bench of this Court vide which the petitioner has been granted the interim bail after noticing the fact that the name of the petitioner has been implicated on the basis of disclosure statement.

Notice of motion.

On asking of the Court, Mr. Praveen Bhadu, AAG, Haryana, appears and accepts notice on behalf of the State of Haryana and seeks time to get instructions.

Adjourned to 13.12.2021.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as

provided under Section 438(2) Cr.P.C.

Learned counsel for the State is also directed to get the instructions as to the fact that whether there is any phone call made between the petitioner and the co-accused who have been arrested at the spot.”

Learned counsel for the petitioner has submitted that in pursuance of said order, the petitioner has joined investigation.

Learned State counsel, on instructions from PSI Arvind Sharma, has submitted that in compliance of the order dated 30.09.2021 they have verified and found that there are no phone calls between the petitioner and the co-accused who was arrested at the spot.

Keeping in view the above said facts and circumstances moreso the facts which have been noticed in the order dated 30.09.2021 and also the fact that there are no phone calls between the petitioner and the co-accused, who was arrested at the spot, the present petition for anticipatory bail is allowed and the order dated 30.09.2021 is made absolute.

However, nothing stated above shall be construed as an expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

(VIKAS BAHL)
JUDGE

December 13, 2021

Davinder Kumar

Whether speaking / reasoned

Yes/No

Whether reportable

Yes/No