

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-38963-2020 (O&M)

Date of Decision:- 7.4.2021

Vinod @ Gorkha

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Gourav Jain, Advocate, for the petitioner.

Ms. Sheenu Sura, DAG, Haryana,
assisted by ASI Suresh Kumar.

(Proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of anticipatory bail in respect of a case registered vide FIR No.524, dated 3.11.2020, Police Station City Tohana, District Fatehabad, under Sections 21(b), 27-A of NDPS Act wherein it is alleged that one Sumit @ Golu was caught red-handed while in possession of 10.17 grams of 'Heroin'. It is further the case of prosecution that during the course of interrogation, he suffered a

disclosure statement to the effect that he had procured the said contraband from Vinod @ Gorkha (petitioner).

2. Learned counsel for the petitioner has submitted that he is nowhere named in the FIR and was never arrested while in possession of any contraband and has been nominated as an accused on the basis of a disclosure statement, the authenticity and veracity of which would be debatable.
3. Opposing the petitioner, learned State counsel has submitted that since the petitioner has specifically been named by the co-accused Sumit as the supplier of contraband and the petitioner also happens to be involved in two other cases, no case for grant of anticipatory bail is made out. Learned State counsel has however, informed that pursuant to interim directions issued by this Court, the petitioner has since joined investigation.
4. I have considered rival submissions addressed before this Court.
5. Having regard to the fact that the petitioner was not arrested at the spot and has been nominated on the basis of a disclosure statement made by co-accused, the admissibility of which would be debatable and while also noticing that the petitioner has since joined investigation, his custodial interrogation is not warranted. The petition, as such, is accepted and the interim directions issued by this Court vide order dated 25.11.2020 are hereby made absolute subject to the condition that the petitioner shall join investigation as and when called upon to do so and cooperate with the Investigating

Officer and shall also abide by the conditions as provided under
Section 438 (2) Cr.P.C.

7.4.2021
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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No