

CRM-M-43891-2020

Date of Decision:17.03.2021

Sunil Kumar @ Badsah

.....Petitioner

Vs.

State of Haryana

....Respondent

CORAM : HON'BLE MR.JUSTICE AMOL RATTAN SINGH

Present: Mr. Satyawar Singh Nain, Advocate,
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

AMOL RATTAN SINGH, J. (Oral)

Case heard by video conference.

On 21.01.2021, the following order had passed:-

“Case heard by video conferencing.

By this petition, the petitioner seeks the concession of 'anticipatory bail' under the provisions of Section 438 of the Cr.P.C., upon FIR no.343, dated 01.12.2020, having been registered at Police Station Ram Nagar, Karnal, alleging therein the commission of offences punishable under Sections 20-61- 85 of the NDPS Act, 1985.

Learned counsel for the petitioner submits that the petitioner has been implicated only because the official who recovered some Ganja Patti (as per the case of the investigating agency), stated that he knew that it was the petitioner who threw away the bags and ran away in the darkness; whereas actually the petitioner is no manner connected to the case, if any recovery was made at all; and further, even the FSL report has not been received, with the specific contention of the petitioner even before the learned Addl. Sessions Judge being that in fact it is not even known whether any actual contraband was recovered by the investigating agency from the alleged spot.

Notice of motion.

Mr. Mr. B. S. Virk, learned DAG, Haryana, accepts notice at the asking of the court and submits that two other cases registered against the petitioner under similar provisions and therefore he does not deserve to be admitted to even interim bail.

However, Mr. Nain submits that there is only one other case and in any case with the present recovery (if any) not at all in any way connected to the petitioner other than the fact that SI Balwan Singh allegedly named him, he having falsely implicated him, the petitioner deserves to be admitted to interim bail.

Without making any comment on the actual merits of the case, the petitioner is directed to join investigation and upon him so joining if he is sought to be arrested, he would be released on bail, on his furnishing adequate bail and surety bonds to the satisfaction of the arresting officer/Ilaqa Magistrate.

He shall, further, abide by all the conditions stipulated in Section 438 (2) of the Cr.P.C.

If the arresting officer does not join the petitioner in investigation, he would appear before the learned Ilaqa Magistrate immediately, who would then summon the arresting officer and direct him to join him in investigation.

Adjourned to 17.03.2021.

In the meanwhile, the report of the Forensic Science Laboratory be also obtained.”

Today learned State counsel, on instructions from SI Balwinder Singh, submits that the petitioner has joined investigation and presently at least his custodial interrogation is not required.

That being so, without making any comment on the actual merits of the case, this petition has actually been rendered infructuous and is disposed of as such.

However, if the petitioners' custodial interrogation is required at any stage hereafter, in the context of the FIR in question, he would be given 10 days notice before arrest, duly shown to be served upon him.

March 17, 2021

dharamvir/

**(AMOL RATTAN SINGH)
JUDGE**

Whether speaking/reasoned : YES/NO

Whether Reportable : YES/NO