

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

202

CRM-M-55198-2019 (O&M)

Date of Decision: 02.11.2021

Sube Singh @ Shibhu

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

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

Mr. Rajiv Sidhu, DAG, Haryana,
assisted by ASI Rajbir Singh.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered against him vide FIR No.406 dated 04.10.2019 at Police Station Rania, District Sirsa, under Sections 21/61 of the NDPS Act, wherein allegations are broadly to the effect that co-accused, Yunas Khan was found in possession of 20 grams of heroin.
2. At the time of issuance of notice of motion, the following order was passed:

“Prayer in this petition filed under Section 438 of the Code of Criminal Procedure, 1973 is for grant of anticipatory bail to the petitioner in case FIR No.406 dated 04.10.2019 registered under Sections 21 and 61 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the NDPS Act') at Police Station Rania, Sirsa.

Learned Counsel for the petitioner has submitted that the petitioner was falsely implicated in the case on the basis of disclosure statement of co-accused. The petitioner was not apprehended on the spot. Section 37(1)(b) of the NDPS Act is not applicable. The petitioner is ready to join the investigation.

Notice of motion.

On the asking of the Court, Mr. Ramesh Kumar Ambavta, AAG, Haryana accepts notice on behalf of the respondent-State. Copy of the paper book has been supplied to the learned State Counsel, who seeks time to complete his instructions.

Adjourned to 14.02.2020.

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 benefit of protection of interim bail allowed to him.”

3. Learned State counsel upon instructions has informed that pursuant to interim directions issued by this Court, the petitioner has since joined investigation and is not required for any custodial interrogation.
4. Having regard to the aforestated position wherein this Court finds that the petitioner has been nominated on the basis of a disclosure statement, the admissibility and veracity of which would be debatable and that the petitioner has already joined investigation and is not stated to be required for any custodial interrogation, the

petition is accepted and the interim directions issued by this Court vide order dated 20.12.2019 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.

02.11.2021

Vimal

(GURVINDER SINGH GILL)
JUDGE

Whether speaking/reasoned: **Yes/No**

Whether reportable: **Yes/No**