

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

202

CRM-M-55761 of 2019
Date of decision:05.08.2021

Jaswinder Singh @ Mahga

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

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

Mr. Kuldeep Tiwari, Addl.A.G.Haryana.

SUVIR SEHGAL, J. (Oral)

The Court has been convened through video conferencing due to Covid-19 pandemic.

Through the instant petition, the petitioners seek anticipatory bail in case FIR No.446 dated 14.11.2019 registered under Section 22 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short “NDPS Act”) (Section 61 of NDPS Act, has wrongly been mentioned in the petition) at Police Station Rania, District Sirsa.

Counsel for the petitioner contends that the petitioner has been arraigned as an accused on the basis of the disclosure statement of Nanak Singh, from whom recovery of 7 grams of heroin was effected. Counsel

contends that statement of the co-accused recorded in police custody is inadmissible in evidence and the recovery effected from the co-accused falls within the scope of intermediate quantity under the provisions of NDPS Act. He submits that in pursuance to the order dated 17.01.2020, the petitioner has joined the investigation.

Learned State counsel, on instructions from SI Sadhu Singh submits that petitioner has joined investigation and is no longer required for custodial interrogation. He has further instructions to state that petitioner is not involved in any other criminal case.

In view of the above facts, but without commenting on the merits of the case, the present petition is allowed and the order dated 17.01.2020 granting interim bail to the petitioner is made absolute, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

(SUVIR SEHGAL)
JUDGE

August 05, 2021
savita

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No