

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-26609-2022
Date of decision : 22.08.2022

Baljit Singh

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr. V.B. Godara, Advocate
for the petitioner.

Mr.Munish Sharma, AAG, Haryana.

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.297 dated 29.05.2022 registered under Sections 21-B, 27-A of the Narcotic Drugs and Psychotropic Substances, Act, 1985 at Police Station City Fatehabad, District Fatehabad.

On 16.06.2022, a coordinate Bench of this Court was pleased to pass the following order:-

“The petitioner is seeking anticipatory bail in FIR No.297 dt. 29.05.2022 under Sections 21-B, 27-A of NDPS Act, 1985, registered at Police Station City Fatehabad, District Fatehabad, Haryana.

Learned counsel for the petitioner contends that there was a recovery of 27 grams of heroin from one Balwinder @ Guggi, who made a disclosure statement implicating the petitioner, and such a statement is not admissible in law as per the decision of the Supreme Court in Toofan Singh Vs. State of Tamil Nadu; 2020

(SCC) Online SC 882; and that the petitioner is therefore entitled to pre-arrest bail.

Notice of motion for 22.08.2022.

At the asking of the Court, Mr. Karan Sharma, DAG, Haryana accepts notice on behalf of the respondent/State.

In the meantime, the petitioner is directed to appear before the Investigating/Arresting Officer and join investigation.

In the event of his arrest, the Investigating/Arresting officer shall release the petitioner on ad interim bail subject to his satisfaction, subject to the following conditions as envisaged under Section 438(2) Cr.P.C.:-

(i) that the petitioner shall make himself available for interrogation before the investigating officer as and when required;

(ii) that the petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case as to dissuade him/her from disclosing such facts to the Court or to any police officer;

(iii) that the petitioner shall not leave the country without prior permission of the Court and shall surrender his passport, if any.

(M.S. RAMACHANDRA RAO)
JUDGE

June 16, 2022”

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

Learned State counsel, on instructions from SI Rameshwar Dass, has submitted that the petitioner has joined investigation and is not required for further investigation.

Keeping in view the above said facts and circumstances moreso, the facts which have been noticed in the order dated 16.06.2022, and also the fact that the petitioner has joined the investigation and is not

required for further investigation, the present petition is allowed and the interim order dated 16.06.2022 is made absolute.

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

August 22, 2022
Davinder Kumar

Whether speaking / reasoned	Yes/No
Whether reportable	Yes/No