

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-28449-2022

Date of decision : 16.08.2022

Mandeep Singh

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.K.L.Saini, Advocate
for the petitioner.

Mr.Praveen Bhadu, 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.39 dated 17.01.2022 registered under Section 21-C of the Narcotic Drugs and Psychotropic Substances, Act, 1985 at Police Station City Hansi, District Hansi.

On 07.07.2022, this Court was pleased to pass the following order:-

“Inter alia contends that no recovery has been effected from the present petitioner and the present petitioner is sought to be implicated solely only on the basis of the disclosure statement of co-accused Mukesh Kumar, from whom the alleged recovery has been effected and even as per the said disclosure statement, 100 grams of contraband is stated to have been sold to the present petitioner and one Omi Devi and the said quantity of 100 grams of contraband would fall under the category of non-commercial quantity. It is further contended that co-accused of the petitioner namely Omi Devi has filed petition for grant of anticipatory bail bearing No.CRM-M-27699-2022 and in the said case, interim order has been passed in favour of the co-accused of the petitioner

namely Omi Devi.

*Learned counsel for the petitioner has relied upon the judgment passed by the Hon'ble Supreme Court in **Tofan Singh Vs. State of Tamil Nadu**, reported as **2021(1) RCR (Criminal) 1**, an order passed by Coordinate Bench of this Court dated 17.06.2020 in CRM-M-12051-2020 titled "**Mewa Singh Vs. State of Punjab**", and an order of another Coordinate Bench dated 16.07.2021 passed in **CRM-M-12997-2020** titled as "**Daljit Singh Vs. State of Haryana**" to contend that in such like cases if a person has only been proceeded against on the basis of disclosure statement of co-accused and no recovery has been effected from the petitioner, then he should be granted the benefit of anticipatory bail and statement made by co-accused before the police is inadmissible in evidence.*

Notice of motion for 16.08.2022.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

To be heard alongwith CRM-M-27699-2022.

07.07.2022"

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 has submitted that the petitioner has joined investigation on 30.07.2022 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 07.07.2022, 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 07.07.2022 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 16, 2022
Davinder Kumar

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