

201 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-9559-2023

Date of Decision: 27.07.2023

Narvinder Singh @ Ninder Singh

...Petitioner

vs.

State of Haryana

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Ankush Kamboj, Advocate for
Mr. Satbir Singh Gill, Advocate
for the petitioner.

Ms. Sheenu Sura, DAG, Haryana.

N.S.Shekhawat J. (Oral)

The instant petition is for grant of anticipatory bail to the petitioner in case FIR No.39 dated 08.02.2023, registered under Sections 15/29/61/85 of NDPS Act, at Police Station Ellenabad, District Sirsa.

On 23.02.2023, the following order was passed by a Co-ordinate Bench of this Court:-

“Learned counsel for the petitioner inter-alia contends that the petitioner has been falsely implicated in this case at the behest of co-accused Babu Lal; the petitioner has no other criminal antecedents; the only evidence against the petitioner is a statement of a co-accused, which has no evidentiary value; even if the case of the prosecution is taken as the gospel truth, though vehemently denied, 1.100 kgs of poppy husk has been recovered from the co-accused which is marginally above the small quantity prescribed under the Narcotic Drugs and Psychotropic Substances Act, 1985;

the recovered drugs do not fall within the prescribed commercial quantity and that the petitioner is also ready and willing to join and cooperate with the investigation.”

I have heard learned counsel for the parties and perused the record.

During the course of arguments, learned State counsel also submits that the petitioner has been named by the co-accused in his disclosure statement. However, except the disclosure statement made by the co-accused, there is no other evidence against the present petitioner.

Keeping in view the above submissions made by learned State counsel and also the fact that except the disclosure statement of the co-accused, there is no other evidence against the present petitioner, the interim order dated 23.02.2023 is made absolute. The petitioner shall continue to join investigation, as and when called by the Investigating Officer and shall also abide by the conditions as provided under Section 438(2) of the Cr.P.C.

27.07.2023
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(N.S.SHEKHAWAT)
JUDGE

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