

CRM-M-20399-2021

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(205)

CRM-M-20399-2021

Date of decision:- 20.07.2023

Gurlal Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- None for the petitioner.

Mr. Munish Sharma, DAG, Haryana.

...

SUVIR SEHGAL, J. (Oral)

1. On 27.05.2021, this Court passed the following order:-

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

Instant second petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 seeking anticipatory bail in case FIR No. 57 dated 22.03.2021 under Section 15 of NDPS Act, 1985, registered at Police Station Ismailabad, District Kurukshetra (Annexure P-1).

Counsel for the petitioner submits that this is the second petition for anticipatory bail, after the first petition (CRM-M-18933-2021) was withdrawn with liberty to file a fresh one with better particulars. Counsel contends that the petitioner was not arrested (sic present) on the spot and the alleged recovery of 13 Kilograms of poppy husk was effected from co-accused Kehar Singh, who is his father. It is her submission that the co-accused has been released on regular bail by Ld. Additional Sessions Judge, Kurukshetra, vide order dated 12.05.2021 (Annexure P-4). Counsel urges that the petitioner was involved in another FIR registered under the NDPS Act but was acquitted by judgment dated 14.11.2017(Annexure

P-3). She asserts that the contraband recovered falls in the ambit of intermediate quantity as per the notification issued under the provisions of the NDPS Act.

Notice of motion.

On asking of the Court, Mr. Gurmeet Singh, AAG, Haryana accepts notice. Upon instructions from SI Darshan Singh, he submits that the petitioner was driving two wheeler, which was intercepted and upon checking, contraband was recovered from the vehicle, however, the petitioner ran away and his father, who was the pillion rider, was arrested from the spot.

List on 30.09.2021.

Meanwhile, the petitioner shall join the investigation and would come present as and when called for and in the event of arrest, he shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting Investigating Officer. He shall also abide by the conditions as specified under Section 438 (2) Cr.P.C.”

2. Upon instructions received from ASI, Satish Kumar, State counsel submits that petitioner has joined and cooperated with the investigation and is no longer required for custodial interrogation. Upon further instructions, he submits that the petitioner was named as an accused in two cases under the NDPS Act, out of which he was acquitted in one and convicted in the second case.

3. In view of the above, interim order dated 27.05.2021 passed by this Court is made absolute subject to satisfaction of the conditions specified under Section 438 (2) of the Code of Criminal Procedure.

(SUVIR SEHGAL)
JUDGE

20.07.2023
Kamal

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