

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

207

CRM-M-59288-2022

Date of decision: 13.09.2023

Sukhdev Singh @ Sukha

..Petitioner

Versus

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. DS Virk, Advocate for the petitioner.

Mr. Baljinder Singh Virk, Sr. DAG, Haryana.

AMAN CHAUDHARY, J.

1. On 19.12.2022, this Court had passed the following order:-

“The petitioner seeks grant of anticipatory bail in respect of a case registered vide FIR No.398, dated 14.8.2022, Police Station Rania, District Sirsa, under Sections 21/29/61/85 of Narcotic Drugs and Psychotropic Substances Act, 1985.

As per the case of prosecution, on 14.8.2022, the police apprehended Modan Singh, who was found to be carrying 112 grams of ‘heroin’. During the course of interrogation, he disclosed that the said ‘heroin’ had been supplied to him by one Babbu and Sukhdev Singh (petitioner).

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and that no credibility can be attached to the disclosure statement in the absence of any other connecting evidence particularly when neither the petitioner was present at the spot nor any recovery was ever effected from him. It has further been submitted that the recovered contraband, in any case, would fall in the category of ‘noncommercial’ quantity.

Notice of motion for 16.3.2023.

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

2. Learned counsel submits that in pursuance of the aforementioned order, the petitioner has not only joined investigation but also fully cooperated with the investigating agency. He further submits that in case the investigating agency requires the petitioner to appear, he shall make himself available without demur.

3. Learned State counsel on instructions from SI Rajesh Kumar affirms the factum of joining the investigation by the petitioner and cooperating with the investigating agency. He also submits that at this stage, the petitioner is not required for any custodial interrogation.

4. In view of the above and without expressing any opinion on the merits of the case, anticipatory bail petition filed by the petitioner is allowed and the order dated 19.12.2022 granting interim bail to him, is hereby made absolute, subject to compliance of conditions as specified under Section 438(2) Cr. P.C.

5. However, it is made clear that if the petitioner fails to join and cooperate with the investigating agency as and when required, the State would be at liberty to move an application for cancellation of the present anticipatory bail granted to him.

(AMAN CHAUDHARY)
JUDGE

13.09.2023
ashok

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No