

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(209)

CRM No. M-59722 of 2022
Date of Decision : 18.07.2023

Sukhvinder Singh @ Chhinda

....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHIPresent:- Mr. Jagjit Singh Gill, Advocate and
Mr. Amrit Pal Singh, Advocate for the petitioner.

Mr. Surender Singh, Assistant Advocate General, Haryana.

Harsimran Singh Sethi, J. (Oral)

The petitioner is seeking anticipatory bail in FIR No.0220 dated 9.12.2022 registered under Sections 15B,, 61, 85 of NDPS Act at Police Station Baragudha, District Sirsa.

Learned counsel for the petitioner contends that the petitioner has joined investigation in terms of order dated 21.12.2022 passed by a Co-ordinate Bench of this Court. Order dated 21.12.2022 is as under:-

“Prayer is for grant of anticipatory bail to the petitioner in criminal case having FIR No.0220 dated 9.12.2022 registered under Sections 15B,, 61, 85 of NDPS Act at Police Station Baragudha, District Sirsa.

Counsel for the petitioner inter alia contends that the petitioner who is having no criminal history, is falsely implicated in the present case which is relating to recovery of 11 kg 60 grams of poppy pods from Naura which was near the house of the petitioner but not owned by the petitioner. He

further submits that as per police version, the aforesaid recovery was effected in the presence of village Chowkidar Sahib Singh who has now given his affidavit that no such recovery was effected in his presence and copy of the affidavit is produced which is taken on record. He further submits that the petitioner is ready to join the investigation with the police.

Notice of motion.

Mr. Naveen Kumar Sheoran, DAG, Haryana accepts notice on behalf of the State and on instructions from ASI Pardeep Kumar contends that in the present case, recovery of 11 kg 60 grams was effected from Naura belonging to the present petitioner in the presence of Block Education Officer and village Chowkidar. However, State counsel has not disputed the fact that the petitioner is having no criminal history. State counsel prays for time to seek instructions with regard to the aforesaid affidavit given by Chowkidar Sahib Singh.

The petitioner is disputing his ownership regarding place from where the aforesaid recovery is effected and further, 11 kg 60 grams of poppy pods comes under non-commercial quantity and thus, rigors of Section 37 of NDPS Act are not applicable to the same. Further, the petitioner is having no criminal antecedents.

Now be listed on 6.3.2023.

In the meantime, in case of arrest, the petitioner is directed to be released on interim bail by the IO/Arresting Officer to his own satisfaction till the next date of hearing. The petitioner should join the investigation with the police well in time before the next date of hearing and is to abide by the conditions as envisaged under Section 438(2) of Cr.P.C.”

Learned State counsel, on instructions from ASI Pardeep Singh states that in terms of the order dated 21.12.2022 reproduced hereinbefore, the petitioner has joined the investigation and no further interrogation is

required.

In view of the above, the order dated 21.12.2022 granting interim bail to the petitioner is made absolute.

However, the petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C. He shall also join and cooperate with the investigation as and when called upon to do so.

In case at any given point of time hereinafter, it is felt by the Investigating Agency that petitioner is required for the investigation but is not co-operating, they will be at liberty to approach this Court for passing appropriate orders.

The petition stands allowed in above terms.

July 18, 2023
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking? Yes/No

Whether reportable? Yes/No