

CRM-M-57667-2023

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-57667-2023
Date of decision: 16.11.2023

INDERJEET SINGH

...Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Mayank Goyal, Advocate,
for the petitioner.

RAJBIR SEHRAWAT, J. (Oral)

1. The present petition has been filed under Section 438 Cr.P.C., seeking anticipatory/pre-arrest bail to the petitioner in case FIR No.441 dated 18.10.2023, registered under Sections 15 and 61 of NDPS Act, 1985, at Police Station Dabwali Sadar, District Sirsa.

2. It is submitted by counsel for the petitioner that the case against the petitioner is totally false and concocted. The petitioner is not involved in the crime as alleged against him. Even as per the story of the prosecution, the name of the petitioner has been involved in the present case only on the basis of the disclosure statement of the co-accused, from whom a quantity of 1.2 kg. of poppy husk has been recovered. The said quantity is marginally above the small quantity prescribed under the NDPS Act. There is no other case against the petitioner. The petitioner shall join investigation as and when called by the police. Therefore, the petitioner deserves to be protected against his arrest.

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3. Notice of motion.
4. On the asking of this Court, Mr. Krishan Kumar Chahal, Addl. A. G. Haryana, accepts notice on behalf of the respondent-State.
5. Counsel for the State, being instructed by ASI Sunil Kumar, has submitted that the petitioner is the employer of the co-accused from whom the abovesaid contraband has been recovered. Therefore, the petitioner cannot assert that he is not involved in the present case. However, it is not disputed that the alleged recovery of contraband is marginally higher than the small quantity. It is also not disputed that there is no other case against the petitioner.
6. In view of the above, but without commenting anything on merits of the case, the present petition is allowed. In the event of arrest, the petitioner be released on bail, subject to his furnishing personal/surety bonds to the satisfaction of the 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.

16.11.2023
parveen kumar

(RAJBIR SEHRAWAT)
JUDGE

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