

209-2 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-57846-2023
Date of decision: 12.12.2023

AMIT SINGHMAR

...PETITIONER

V/S

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Deep Inder Singh Walia, Advocate for
Mr. Kartik Khicher, Advocate for the petitioner.

Ms. Geeta Sharma, DAG, Haryana.

HARPREET SINGH BRAR J. (ORAL)

Through instant petition, the petitioner is seeking anticipatory bail in case FIR No.321 dated 17.08.2023 registered under Section 20(b) of Narcotic Drugs and Psychotropic Substances Act, 1985 (Sections 29, 27-A of Narcotic Drugs and Psychotropic Substances Act, 1985 added later on) at Police Station Hansi Sadar, District Hisar.

2. On 17.11.2023, following order was passed:

“This petition has been filed under Section 438 Cr.P.C. seeking anticipatory bail to the petitioner in a case bearing FIR No.321 dated 17.08.2023 under Section 20 (b) of the NDPS Act (Sections 29/27-A-61-85 of the NDPS Act added later on) registered at Police Station Hansi Sadar, District Hisar.

Learned counsel for the petitioner inter alia contends that no recovery of the contraband has been effected from the petitioner to establish the conscious possession. The petitioner has been implicated in the present case on the basis of disclosure statement made by co-accused-Usha. He further submits that similarly situated co-accused has already been granted the concession of interim bail by this Court vide order dated 23.10.2023 passed in CRM-M54184-2023 titled as ‘Jasbir Singh @ Monu Vs. State of Haryana.’

Notice of motion.

On the asking of the Court, Mr. Gurmeet Singh, AAG, Haryana puts in appearance and accepts notice on behalf of the respondent-State.

In the meantime, keeping in view the law enunciated by the Hon'ble Supreme Court in Satender Kumar Antil Vs. CBI (2022) 10 SCC 51; Siddharam Satlingappa Mhetre Vs. State of Maharashtra and others 2010 SCC OnLine SC 137; Gurbaksh Singh Sibbia etc. Vs. State of Punjab (1980) 2 SCC 565, Arnesh Kumar Vs. State of Bihar (2014) 8 SCC 273 and Sushila Aggarwal Vs. State of NCT Delhi 2020 (1) RCR (Criminal) 833, at the first instance, the petitioner is directed to appear before the Investigating Officer on or before 28.11.2023 and on his doing so or in the event of arrest, the petitioner shall be admitted to interim bail on furnishing of bail/surety bond to the satisfaction of the Investigating/Arresting Officer. The petitioner shall cooperate with the Investigating Officer and abide by the conditions as provided under Section 438 (2) Cr.P.C.

If the Investigating/Arresting Officer does not permit the petitioner to join the investigation, the petitioner would appear before the Illaqa Magistrate, who would then summon the Arresting Officer and direct him to join the petitioner in investigation, in terms of the order of this Court.

Adjourned to 12.12.2023.

To be heard along with CRM-M-54184-2023 titled as 'Jasbir Singh @ Monu Vs. State of Haryana.'

Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court."

3. Status report dated 11.12.2023 by way of an affidavit of Ravinder Sangwan, HPS, Deputy Superintendent of Police, Hansi on behalf of respondent-State has been filed and is taken on record. A copy of the same be supplied to the counsel for the petitioner during the course of the day.
4. Learned State counsel, on instructions, submits that in compliance of order dated 17.11.2023 passed by this Court, the petitioner has joined the investigation and is not required for further custodial interrogation.

5. Keeping in view the statement made by learned State Counsel the order dated 17.11.2023, is made absolute. The petitioner shall abide by the terms and conditions enumerated in Section 438(2) of Cr.P.C. and shall continue to join investigation as and when called by the investigating officer.
6. The petition is accordingly allowed.

December 12, 2023
manisha

(HARPREET SINGH BRAR)
JUDGE

(i)	Whether speaking/reasoned	Yes/No
(ii)	Whether reportable	Yes/No