

CRM-M-22909-2024

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

212

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Decided on: 15.05.2024

Sukhwinder ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Vikas Bishnoi, Advocate for the petitioner.

Mr. Naveen Sheoran, DAG, Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
287	10.04.2024	Sadar Hisar, District Hisar	21B of NDPS Act

1. The petitioner apprehending arrest in the FIR captioned above, has come up before this Court under Section 438 CrPC seeking anticipatory bail.
2. Vide a detailed order dated 08.05.2024, State was asked to file reply and this Court had granted interim bail to the petitioner.
3. Petitioner’s counsel submits that he has joined the investigation and complied with the order dated 08.05.2024. Counsel further submits that custodial interrogation and pre-trial incarceration would cause an irreversible injustice to the petitioner and family.
4. Counsel for the State has handed over the reply dated 14.05.2024, which is taken on record, and on instructions, does not dispute the above said contention but opposes the bail.
5. Prosecution’s case is being taken from reply dated 14.05.2024, which reads as

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under:-

"4. That brief facts of the case are that the instant case was registered as one of the co-accused namely Balwinder son of Diler Singh was found having possession of 41 gram heroin on dated 10.04.2024 on the way Agroha to village Peerawali, District Hisar by the police team headed by PSI Berlin on the basis of secret information. Upon this, an FIR No. 287 dated 10.04.2024 under Section 21-B of NDPS Act was registered at Police Station Sadar Hisar, District Hisar.

5. That after registration of the case, a fair and impartial investigation was carried out by the local police and during investigation, the co-accused Balwinder was arrested in the matter in hand. After his arrest, he suffered disclosure statement implicating the present petitioner/accused was engaged by him for selling the contraband heroin. That recovered scooter is also unregistered. He stated in his disclosure statement that petitioner/accused Sukhwinder alias Kaka Tau son of Pehalwan works in selling heroin in village Peeranwali, who told him that you should also work with him in selling heroin and he fell prey to greed. On dated 10.04.2024, petitioner/accused Sukhwinder alias Kaka Tau told him to take his scooter and go to Agroha and bring heroin from a woman, he will give him Rs 2000. Petitioner/accused Sukhwinder alias Kaka also got that woman to talk to him at the conference. He went to the spot and take heroin from the woman. He stated that he does not know the name of that woman from which he took heroin for petitioner/accused and petitioner/accused Sukhwinder alias Kaka Tau knows about that whereabouts and name of the woman. He stated that he can go with a police team to arrest petitioner/accused Sukhwinder alias Kaka Tau's at his residence and hiding place in village Peeranwali and Fatehabad. After that he retracted some parts of his disclosure statement and stated that petitioner/accused Sukhwinder alias Kaka Tau's residence is at Peeranwali village and scooter also belongs to petitioner/accused. Copies of disclosure statements of co-accused are annexed as Annexure R-1 to R-2."

6. I have heard counsel for the parties and gone through the petition.

7. In the entirety of facts and circumstances of the case and the fact that petitioner has joined the investigation and complied with the order dated 08.05.2024, petitioner makes out a case for anticipatory bail and it is neither a case of custodial investigation nor pre-trial incarceration. However, it is clarified that petitioner shall join investigation on 17.05.2024 at 10AM and after that as and when called by the investigator.

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8. Given above, petition is allowed and interim order dated 08.05.2024 is made absolute. Pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

15.05.2024
anju rani
Whether speaking/reasoned: Yes
Whether reportable: No.