



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

CRM-M-29644-2024

DECIDED ON: 11.06.2024

ARJUN SINGH

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Kuldeep Singh Siwach, Advocate
for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

The jurisdiction of this Court has been invoked under Section 438 Cr.P.C., for grant of anticipatory bail to the petitioner in FIR No.100, dated 27.04.2024, under Sections 15, 27-A (Act No.61) of NDPS Act, 1985, registered at Police Station Sadar Ratia, District Fatehabad.

Learned counsel for the petitioner contends that the petitioner was not initially named in the FIR but subsequently roped in the instant FIR only on the basis of disclosure statement made by co-accused Bagga Ram from whose possession the recovery of 1 kg and 400 grams kacha doda has been effected and who has been granted the concession of regular bail vide order dated 17.05.2024 (Annexure P-1). He further contends that the samples collected have been sent to the FSL but the report has not been received so far, which may take some time.

Notice of motion.

On the asking of the Court, Mr. Surender Singh Pannu, Addl.

A.G., Haryana accepts notice on behalf of the respondent-State and seeks

dismissal of the instant petition urging that the petitioner is actually the main supplier but could not produce any incriminating material to support his arguments. He further asserts that there are other cases pending against the petitioner, as has been referred in the order dated 10.05.2024 passed by the trial Court in para No.5 but could not refer to any FIR whatsoever to the number of cases pending against him.

As far as the pendency of other cases and involvement of the petitioner in other cases is concerned, reliance can be placed upon the order of this Court rendered in CRM-M-25914-2022 titled as “**Baljinder Singh alias Rock vs. State of Punjab**” decided on 02.03.2023, wherein, while referring Article 21 of the Constitution of India, this Court has held that no doubt, at the time of granting bail, the criminal antecedents of the petitioner are to be looked into but at the same time it is equally true that the appreciation of evidence during the course of trial has to be looked into with reference to the evidence in that case alone and not with respect to the evidence in the other pending cases. In such eventuality, strict adherence to the rule of denial of bail on account of pendency of other cases/convictions in all probability would land the petitioner in a situation of denial of concession of bail.

Be that as it may, considering the fact that the petitioner was roped in the instant FIR only on the basis of disclosure statement of main accused Bagga Ram, who has already been granted the concession of regular bail vide order dated 17.05.2024 by the trial Court.

In the light of above, the petitioner is directed to be released on anticipatory bail subject to his joining investigation with the Investigating

Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to his satisfaction. The petitioner shall also abide by the terms and conditions as envisaged under Section 438(2) of Cr.P.C.

However, it is made clear that in case the petitioner does not comply with the aforesaid direction of joining the investigation within one week, the order passed by this Court today shall automatically stands cancelled.

The petition in the aforesaid terms stands allowed.

(SANDEEP MOUDGIL)
JUDGE

11.06.2024
Poonam Negi

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>