



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

**CRM-M-30780-2024
DECIDED ON: 01.07.2024**

HARDEV SINGH @ BADSHAH

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Vivek Singla, 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.162, dated 13.05.2024 (wrongly mentioned as 14.05.2024 in lower court order), under Sections 21-B/61/85 of NDPS Act, Police Station Kalanwali, District Sirsa.

Learned counsel for the petitioner contends that no recovery has been effected from the conscious possession of the petitioner. He further contends that recovery of 20 grams of heroin was effected from the co-accused namely Manpreet Singh @ Mani and Satpal Singh, which is far below the commercial quantity and might be meant for personal use, who have been granted the concession of regular bail by the trial Court vide order dated 06.06.2024 (Annexure P-3).

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 on a categorical query put by this Court, he could not put forth any incriminating material to link the petitioner with the similar offences on any other occasion which is suffice enough for this Court to infer that the petitioner is not a habitual offender and no recovery whatsoever has been effected from his possession and as such, admittedly the chances of his false implication may not be ruled out.

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.

01.07.2024
Poonam Negi

(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No