

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

CRM No.M-1948 of 2016 (O&M)

Date of Decision: 03.05.2016

Naresh Kumar

... Petitioner

Versus

State of Haryana

... Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Ms. Anju Arora, Advocate for the petitioner.

Mr. Vivek Saini, DAG, Haryana.

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TEJINDER SINGH DHINDSA, J.

This order shall dispose of the present petition filed under Section 438 Cr.P.C. seeking concession of anticipatory bail to the petitioner in case FIR No.212 dated 08.08.2015, under Sections 17/18/61/85 of the NDPS Act, registered at Police Station Kalanwali, District Sirsa.

On 21.01.2016, while issuing notice of motion, the following order was passed by this Court:

“Counsel would contend that the petitioner has been falsely implicated. No recovery has been effected from the petitioner. Even as per prosecution version the alleged recovery of 1 kg 10 grams opium on 8.8.2015 is from Gurmail Singh. Gurmail Singh, during the course of investigation had stated that he had procured the contraband from coaccused Krishan Kumar and the present petitioner is sought to be implicated on the disclosure statement of such Krishan Kumar.

Notice of motion.

On the asking of the Court, Mr. Anmol Malik, learned A.A.G., Haryana accepts notice on behalf of respondent-State. A complete copy of the petition has been furnished to learned State counsel, who would complete instructions by the adjourned date.

List on 5.2.2016.”

On 05.02.2016, the petitioner was granted ad interim protection as regards arrest subject to his joining investigation. Order dated 05.02.2016 passed by this Court is in the following terms:

“List on 3.5.2016.

In the meanwhile, petitioner is directed to join investigation.

In the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting Officer/ Investigating Officer. The petitioner shall join investigation as and when called upon to do so and he shall remain bound by the conditions envisaged under Section 438 (2) Cr.P.C.”

Learned State counsel upon instructions from SI Ram Kumar would apprise the Court that the petitioner has since joined investigation. That apart, the contentions noticed in the order dated 21.01.2016 have gone un rebutted.

Accordingly, the present petition is allowed. Order dated 05.02.2016 passed by this Court is made absolute.

Disposed of.

03.05.2016

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**