

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

**CRM-M No.47304 of 2017
Decided on: 13.07.2018**

Manish Kumar

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. R.S. Mamli, Advocate
for the petitioner.

Mr. Naveen Sheoran, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of anticipatory bail in FIR No.582 dated 26.11.2017 registered under Sections 15/27-A/61/85 of the NDPS Act, at Police Station Ratia, District Fatehabad.

Vide order dated 27.02.2018, the following order has been passed by this Court:-

“Prayer in this petition is for grant of anticipatory bail to the petitioner in case FIR No.0582 dated 26.11.2017 under Sections 15, 27- A, 61, 85 of NDPS Act, registered at Police Station Ratia, District Fatehabad.

Brief facts of the case are that the FIR No.0582 was registered with the allegations that the complainant-ASI along with the co-officials were checking the vehicles near Telibara old Canal bridge and a young boy came on a motorcycle of make Hero CD Deluxe Black colour and he was carrying a polythene bag on the tank. The ASI complainant signaled him to stop but he tried to turn back and in this process, the motorcycle was switched off and he was apprehended. He disclosed his name as Sunil

Singh S/o Sonu and after serving a notice under Section 50 of the Act, the white colour plastic bag kept on the petrol tank, was searched and it was found containing 4 kg of poppy husk.

Later on, during the investigation, the said accused made a disclosure statement that he has purchased the contraband from the present petitioner. Thereafter, the petitioner was involved in the present FIR.

Counsel for the petitioner has submitted that the petitioner is not named in the FIR and only on the disclosure statement of the coaccused, he is involved in the present case and he has no connection with the co-accused. It is further submitted that the Additional Sessions Judge, Fatehabad has dismissed the application of bail of the petitioner only on the ground that there is a recovery of 4 kg of poppy husk and therefore, the petitioner is not entitled to grant of anticipatory bail. It is further submitted that the disclosure statement made by the accused in police custody is not binding on the co-accused and it will be seen only during the course of trial whether the same is proved or not. It is also stated that the petitioner is a young man, aged about 18 years and his entire future is at stake.

Learned State counsel, on instructions from ASI Raj Singh submits that the petitioner is involved in one more FIR and the CFSL report is still awaited. Learned State counsel has placed on record a copy of the FIR No.161 dated 03.05.2017, registered under Section 15 of the Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station Sadar Tohana, District Fatehabad and as per allegation in the said FIR, the petitioner was arrested at the spot carrying 1 kg poppy husk.

In reply, learned counsel for the petitioner submits that the recovery in the said case was of small quantity

and the petitioner is on bail in the said FIR.

After considering the arguments of the parties, I deem it appropriate that the petitioner be directed to join the investigation and an appear before the Investigating Officer on 05.03.2018 at 10.00 am or on any other date as given by the Investigating Officer and he shall be released on interim bail subject to the conditions mentioned below, as envisaged in Section 438(2) Cr.P.C:-

- 1. He shall make himself available for interrogation by a police officer as and when required;*
- 2. He shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer; and*
- 3. He shall not leave India without previous permission of the Court.*

List again on 03.05.2018.”

Counsel for the petitioner submits that the petitioner, in pursuance to the order dated 27.02.2018, has already appeared before the Investigating Officer and has joined the investigation.

Counsel for the State, on instructions from ASI Rai Singh, has not disputed the factual position and submits that the petitioner has joined the investigation and is no more required for any further investigation.

In view of the above, the petition is allowed and the interim bail granted to the petitioner vide order dated 27.02.2018 is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

13.07.2018
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(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No