

**PUNJAB AND HARYANA HIGH COURT
CHANDIGARH**

208

CRM-M-26364-2019

Date of decision : 30.10.2019

Gulshan @ Kannu

Petitioner.....

V/s

State of Haryana

Respondent.....

CORAM : HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. P.S. Sekhon, Advocate for the petitioner.

Mr. Vivek Saini, D.A.G. Haryana.

ARUN KUMAR TYAGI, J. (Oral)

Prayer in the petition is for grant of anticipatory bail in case FIR No.247 dated 16.05.2019 registered under Sections 21-B, 27-A of the NDPS Act, 1985 at Police Station City Fatehabad.

Notice of motion was issued vide order dated 06.06.2019 whereby the petitioner was also granted interim bail.

Learned State Counsel has appeared on behalf of the respondent-State and opposed the bail application.

I have heard learned Counsel for the petitioner as well as learned State Counsel and have gone through the record.

Learned Counsel for the petitioner has submitted that the petitioner was not named in the FIR and was not apprehended on the spot. The petitioner has been falsely implicated on the basis of disclosure statement of Naresh Kumar @ Nannu.

Learned State Counsel, on instructions from A.S.I. Sukhwinder Singh, has submitted that in compliance with order dated 06.06.2019 passed by this Court, the petitioner joined investigation on 01.08.2019 and an amount of Rs.3,000/- and car used in the

commission of the offences was recovered from him.

In view of the facts and circumstances of the case, particularly the fact that custodial interrogation of the petitioner is not required in the case but without expressing any opinion on the merits of the case, I am of the considered view that the petitioner deserves the concession of anticipatory bail. Therefore, the petition is allowed and order dated 06.06.2019 granting interim bail to the petitioner is made absolute. However, the petitioner shall join the investigation again if and as and when called upon to do so and shall abide by the conditions enumerated in Section 438 (2) of the Cr.P.C.

(ARUN KUMAR TYAGI)
JUDGE

30.10.2019

Kothiyal

Whether speaking/reasoned	Yes
Whether reportable	No