

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-20051-2020 (O&M)

Date of Decision:- 17.8.2020

Mannu

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Kamaldeep Singh Redhu, Advocate,
for the petitioners.

Mr. Karan Sharma, AAG, Haryana.

*(the aforesaid presence is being recorded through video conferencing
since the proceedings are being conducted in Virtual Court)*

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.166, dated 17.5.2020, Police Station Kalanaur, District Rohtak, under Section 20 NDPS Act and Section 188 of IPC.
2. The case of prosecution is that a secret information was received on 17.5.2020 to the effect that Sunil, Mannu, Palu, Robin, Vinod and

Raju indulged in sale and purchase of '*ganja patti*' and that one Arun had come with a truck loaded with '*ganja patti*' and that they were unloading the same near Bus Stand of Village Baniyani. Pursuant to receipt of said information the police swung into action and reached at the spot where a truck was found which was being unloaded. Arun, Jatinder and Sunil were apprehended at the spot and 256.90 Kgs of '*ganja patti*' was recovered from the truck in question.

3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and was never arrested at the spot and that he is a young men who has a clean record and as such deserves the concession of anticipatory bail.
4. Opposing the petition, learned State counsel has submitted that since the petitioner is specifically named in the FIR, no case for grant of anticipatory bail is made out. Learned State counsel upon instructions from SI Bharat has however, informed that the petitioner is not involved in any other case.
5. Having regard to the fact that the petitioner was never apprehended at the spot and is not involved in any other case, the petition merits acceptance and is hereby accepted. The petitioner, in the event of arrest, shall be released on anticipatory bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and cooperate with the Arresting/Investigating Officer and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.

6. It is however made clear that in case the petitioner does not join investigation, it shall be open to the prosecution/investigating agency to move an application for cancellation of his bail.

August 17, 2020
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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No