

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

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**CRM-M-25420-2020 (O&M)
Date of Order:25.09.2020**

Naresh Kumar

..Petitioner

Versus

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. D.S.Virk, Advocate,
for the petitioner.

Mr. Chetan Sharma, AAG, Haryana

ANIL KSHETARPAL, J(Oral)

Hearing of the case was held through video conferencing on account of restricted functioning of the Courts.

On 03.09.2020, the following order was passed:-

“Hearing of the case was held through video conferencing on account of restricted functioning of the Courts.

The petitioner prays for grant of pre-arrest bail in a criminal case arising from FIR No.491, dated 17.08.2020, registered under Section 15/61/85 of the Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station City Sirsa, District Sirsa.

As per the case of the prosecution, 2 kg poppy husk was found in conscious possession of Raj Kumar @ Raju. On his disclosure statement, the petitioner is sought to be indicted.

On 01.09.2020, learned counsel appearing for the State of Haryana was requested to get complete instructions with regard to involvement of the petitioner in narcotics trade.

Today, learned counsel for the State on instructions from ASI Naresh Kumar has made a statement that as per his information, the petitioner does not have any criminal antecedents either in the State of Haryana or Rajasthan. The petitioner is stated to be the resident of Sangria, District Hanumangarh, Rajasthan.

At present, only evidence available against the petitioner is disclosure statement of Raj Kumar @ Raju. It is debatable as to whether such evidence would be

admissible because Raj Kumar @ Raju is a co-accused. The recovery from Raj Kumar @ Raju is also of non commercial quantity.

Keeping in view the facts of the case, it is considered appropriate that let the petitioner join investigation.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

Adjourned to 25.09.20”

Shri Chetan Sharma, learned Assistant Advocate General, Haryana, on instruction from SI Narain Singh, has informed the Court that the petitioner has been arrested in FIR No.320, dated 21.09.2020, under Section 15 of the Narcotic Drugs and Psychotropic Substances Act, 1985, with 52 kg of 'poppy husk'. He further informed the court that the petitioner did not come forward to join the investigation.

Keeping in view the fact that the petitioner is already in custody, although, in a different FIR, the present petition has become infructuous and therefore, dismissed as such.

September 25, 2020
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

: Yes/No
: Yes/No