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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-2348-2021 (O&M)
Date of decision-22.11.2021

VIJAY KUMAR PURI

...Petitioner

Vs.

STATE OF HARYANA

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Adarsh Dhaliwal, Advocate for
Mr. Gursimran Singh Madaan, Advocate
for the petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana.

MANOJ BAJAJ, J. (ORAL)

CRM-5490-2021

This is an application for placing on record photograph and documents Annexure P-7 to P-8.

Application is allowed. The same is taken on record.

CRM-M-2348-2021

This petition has been filed by the petitioner under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.513 dated 01.10.2020, under Section 21(c), 29 NDPS Act, 1985, registered at Police Station Sadar Thanesar, District Kurukshetra. The petitioner apprehended his arrest at the hands of Police, in the above FIR.

Learned counsel for the petitioner has invited the attention of

the Court to the order dated 09.07.2021, whereby, the interim protection was extended to the petitioner. The said order reads as under:-

“CRM-12305-2021

The instant application is for pre-poning the date of hearing of the main petition to an early date.

Notice in the application.

At this stage, Mr. Sukhdeep Parmar, DAG, Haryana, accepts notice on behalf of the respondent-State and does not oppose the prayer.

Application is allowed and the date of hearing is pre-poned to today itself.

CRM-12306-2021

Learned counsel for the petitioner does not press this application and prays for withdrawal of the same.

The prayer is accepted.

The application is dismissed as withdrawn.

CRM-M-2348-2021

Learned counsel for the petitioner has argued that the alleged contraband (75000 Microlit tablets) was recovered from co-accused, namely, Kishore Kumar and subsequently, on his disclosure statement, the other co-accused including Sushil Kumar were indicted as an accused. He further submits that in the similar way, the petitioner was implicated as an accused on the ground that the said contraband was purchased from the shop of the petitioner, who is engaged in the business of wholesale of medicines. It is pointed out that the main accused, who was arrested on the spot, is also running a chemist shop, namely, Kishore Medicos, therefore, in the given facts, the custodial interrogation of the petitioner may not be necessary.

Learned State counsel assisted by ASI Surjeet has referred to the reply dated 25.02.2021 and pointed out that the brother of the petitioner, who is also partner with him in the said business associated himself in the investigation and it has been found that the mobile phone number given by Kishore Kumar is of the present petitioner and as per call details, they were in touch with each other.

According to the learned counsel for the petitioner, since the main accused is also a chemist and the petitioner is in the wholesale business of medicines, therefore, the call details alone may not be sufficient to indicate the involvement of the petitioner in the crime.

Adjourned to 22.11.2021.

Meanwhile, the petitioner shall join the investigation and would come present as and when called for and in the event of arrest, the petitioner shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C. ”

Learned counsel for the petitioner further contends that in deference to the said order, the petitioner submitted himself before the Police and joined the investigation. According to him, the petitioner cooperated with the Police Authorities during the investigation and furnished requisite bonds to the satisfaction of the Investigating Officer/Arresting Officer.

Learned State counsel, who is assisted by ASI Surjeet opposes the prayer and submits that the petitioner was in touch with the other accused persons and there are mobile conversation between them. However, he is unable to give the details and contents of the said conversation.

Considering the above, the petition is allowed and the interim bail granted by this Court vide order dated 09.07.2021 is made absolute.

(MANOJ BAJAJ)
JUDGE

22.11.2021

Vipin kumar

Whether speaking/reasoned :
Whether Reportable :

Yes	No
Yes	No