

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

CRM-M-4258-2020 (O&M)

Date of Decision:- 25.8.2021

Jagdish

.... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Ajay Kamboj, Advocate, for the petitioner.

Ms. Sheenu Sura, DAG, Haryana,
assisted by ESI Om Parkash.

(Proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered against him vide FIR No.9, dated 5.1.2020, Police Station Sadar Dabwali, District Sirsa, under Section 21 of NDPS Act.
2. As per the case of prosecution, three persons namely Mewa Singh, Kirandeep Singh and Gurpreet Singh were apprehended while they were travelling on a motorcycle, during the course of patrolling by the police. It is the case of prosecution that a plastic bag was found hanging in front of the motorcycle around its headlight which upon checking was found to contain 12 grams of 'Heroin'.
3. Learned counsel for the petitioner submits that he is nowhere named in the FIR and has been nominated as an accused on the basis of a

disclosure statement allegedly made by the other three co-accused, the admissibility of which would be debatable.

4. Opposing the petition, learned State counsel has submitted that since the name of the petitioner has specifically surfaced during the interrogation of the co-accused, no case for grant of anticipatory bail is made out. Learned State counsel has however, informed that pursuant to interim directions issued on 31.1.2020, the petitioner has since joined investigation and is not required for any custodial interrogation.
5. I have considered rival submissions addressed before this Court.
6. Admittedly the petitioner was never ever found or arrested at the spot and nor any recovery was effected from him. The recovery of 12 grams of 'Heroin' from co-accused will fall in the category of 'non-commercial quantity'. The petitioner in any case has joined investigation and is not required for any custodial interrogation, as has been informed by learned State counsel. The petition, as such, is accepted and the interim directions issued by this Court vide order dated 31.1.2020 are hereby made absolute subject to the condition that the petitioner shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

25.8.2021

Mohan

(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned
Whether Reportable

Yes / No
Yes / No