

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

CRM-M-6475-2021 (O&M)
Date of Decision:- 14.9.2021

Gopal Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Amit Choudhary, Advocate, for the petitioner.

Ms. Sheenu Sura, DAG, Haryana,
assisted by Inspector Vikram Josan.

(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. 370, dated 30.7.2020, Police Station City, District Fatehabad, under Sections 18, 27-A, 61 and 85 of NDPS Act.
2. At the time of issuance of notice of motion on 11.2.2021 the following order was passed:

“Learned counsel for the petitioner submits that as per the case of prosecution one young boy, who was riding a motorcycle, was intercepted by the police party and upon his search 1.25 Kilograms of ‘opium’

was recovered. The said boy disclosed his name as Baljeet @ Biku. It is further the case of prosecution that during the course of interrogation the aforesaid Baljeet @ Biku disclosed that it is the petitioner Gopal, who had supplied the aforesaid 'opium' to him for an amount of Rs.1.5 lakhs.

Learned counsel for the petitioner has submitted that the petitioner is nowhere named in the FIR and is sought to be nominated on the basis of a disclosure statement, the veracity and admissibility of which would be debatable.

Notice of motion for 26.5.2021.

Meanwhile, in the event of arrest, the petitioner be released on interim 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 Investigating Officer and shall also abide by the conditions as provided under Section 438(2) Cr.P.C.”

3. Learned State counsel, upon instructions from Inspector Vikram Josan, has informed that pursuant to interim directions, the petitioner has since joined investigation and that he is not wanted in any other case.
4. In view of the aforestated position wherein it is found that the petitioner was never arrested at the spot and nor any recovery was effected from him and has been nominated on the basis of a disclosure statement and is also stated to have joined investigation, his custodial interrogation is not warranted. The petition, as such, is

accepted and the interim directions issued by this Court vide order dated 11.2.2021 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.

14.9.2021

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**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No