

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

CRM-M-8501-2021 (O&M)  
Date of Decision:-5.7.2021

Devender @ Bhola

... Petitioner

Versus

State of Haryana

... Respondent

**CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL**

Present:- Mr. Manoj Kaushik, Advocate for the petitioner.

Mr. Vishal Kashyap, AAG, Haryana.

*(proceedings conducted through video conferencing)*

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**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.275 dated 22.8.2020 at Police Station SGM Nagar, District Faridabad under Sections 20 and 61 of NDPS Act.
2. At the time of issuance of notice of motion on 23.2.2021, the following order was passed :

“Learned counsel for the petitioner submits that the petitioner is nowhere named in the FIR and as per the FIR it is from Munna, Chunni Lal and Gopal that a recovery of 20.5 kgs. of ‘ganja’ was effected. It has further been submitted that pursuant to arrest of the aforesaid three accused,

they suffered a disclosure statement initially on 22.8.2020, wherein the petitioner was not named anywhere but subsequently they are alleged to have made a supplementary statement on 23.8.2020, wherein they nominated the petitioner to be an accused by stating that it is the petitioner who had supplied the aforesaid '*ganja*'.

Learned counsel for the petitioner submits that such like disclosure statement can hardly be relied upon and cannot be said to be sufficient to justify involvement of the petitioner.

Notice of motion for 5.7.2021.

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 the Investigating Officer, has informed that pursuant to interim directions issued by this Court the petitioner has since joined investigation and that he is not wanted in any other case. Learned State counsel has, however, opposed the petition while submitting that custodial interrogation of the petitioner would be required to unearth the sources from which '*ganja patti*' had been obtained.
4. I have considered rival submissions addressed before this Court.
5. Keeping in view the nature and quantity of the contraband recovered and while noticing that the petitioner has already joined investigation and is not wanted in any other case, the present petition is accepted and the interim directions issued by this Court vide order dated 23.2.2021 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.

5.7.2021  
pankaj

( Gurvinder Singh Gill )  
Judge

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|----------------------------|----------|
| Whether speaking /reasoned | Yes / No |
| Whether Reportable         | Yes / No |