

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

208

CRM-M-13549-2021

Date of Decision:16.08.2021

AKHTAR

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Vinay Kumar Pandey, Advocate for the petitioner.

Mr. Gurmeet Singh, AAG, Haryana.

SUVIR SEHGAL, J.(ORAL)

Heard through video conferencing.

Reply dated 14.08.2021 by way of an affidavit of Deputy Superintendent of Police, HQ, Nuh, District Nuh, has been filed on behalf of the respondent-State. Same is taken on record.

On 24.03.2021, this Court passed the following order:-

“The Court has been convened through video conferencing due to Covid-19 Pandemic.

Instant petition has been filed under Section 438 Cr.P.C. seeking anticipatory bail in case FIR No. 0339 dated 25.07.2020 (Annexure P-1) under Sections 20 and 61 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short “NDPS Act”), registered at Police Station Nuh, District Nuh.

Counsel for the petitioner has contended that the petitioner has been roped in on the basis of disclosure statement of Amru, who in turn, was named by Mobeen @ Mubbi from whom a recovery of 52 kg 900 grams of Ganja Patti was made. Counsel contends that statement of co-accused recorded in custody is inadmissible in evidence. Counsel submits that the petitioner is not involved in any other case under the NDPS Act, though he has been named in FIR No.211 dated 07.04.2018 under Sections 14 and 61 of the Excise Act, 1944, registered at Police Station Sadar Nuh, District Nuh, in which he is on bail.

Notice of motion.

On asking of the Court, Mr. K.S.Thakur, AAG, Haryana accepts notice on behalf of respondent- State.

List on 16.08.2021.

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

Learned State counsel on instructions from PSI Bhajan Lal, states that the petitioner has joined the investigation and he is no longer required for custodial interrogation. He has further instructions to state that the petitioner is not involved in any other case under the NDPS Act.

In view of the said facts, without commenting on the merits of the case, the present petition is allowed and the order dated 24.03.2021 granting interim bail to the petitioner is made absolute, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

16.08.2021

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(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No