

243 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-13505-2021
Date of decision: 17.08.2021

Mardana Petitioner

Versus

State of Haryana Respondent

Coram: Hon'ble Mr. Justice B.S. Walia

Present : Mr. Priyanshu Kamra, Advocate for the petitioner.
Mr. Naveen Kumar Sheoran, DAG, Haryana.

B.S. Walia, J. (VC)

1. Case is being taken up for hearing through VideoConferencing due to Covid-19pandemic.
2. Prayer in the petition under Section 438 Cr.P.C. is for grant of pre-arrest bail to the petitioner in case FIR No. 602 dated 19.09.2020 registered under Section 20 of NDPS Act at Police Station City Hansi, Haryana.
3. On 24.03.2021, the following order was passed:-

“ The case has been taken up for hearing through videoconferencing.

The petitioner has filed the present petition under Section 438of the Code of Criminal Procedure, 1973 for grant of anticipatory bail incase FIR No.602 dated 19.09.2020 registered under Section 20 of theNarcotic Drugs and Psychotropic Substances Act, 1985 in Police Station City Hansi, Haryana.

Learned Counsel for the petitioner has submitted that thepetitioner has been falsely implicated in the case on the basis of disclosurestatement made by co-accused

Bachan Singh. There is no cogent evidence except the disclosure statement regarding involvement of the petitioner in the crime. No recovery was made from his possession. Rigors of Section 37(1)(b) of the NDPS are not applicable qua the petitioner. Co-accused Rajmal @ Kuki and Puran @ Punna have already been granted anticipatory bail by this Court vide orders dated 17.02.2021. The petitioner is ready to join the investigation.

Notice of motion.

Pursuant to supply of advance copy, Mr. Ranvir Singh Arya, Addl. A.G., Haryana has appeared and accepted notice on behalf of the respondent-State.

Learned State counsel seeks time to file reply.

Adjourned to 30.07.2021.

In the meanwhile, the petitioner is directed to join the investigation as and when called upon to do so. In the event of his arrest, the petitioner shall be released on interim bail by the arresting officer/investigating officer on furnishing of bail bonds by him to the satisfaction of the arresting officer/investigating officer. The petitioner shall comply with the conditions enumerated under Section 438(2) of the Cr.P.C. failing which he shall not be entitled to the protection of interim anticipatory bail allowed to him.

4. Today, learned counsel for the petitioner contends while learned State counsel on instructions from SI Nirmal Singh confirms that pursuant to the order of this Court dated 24.03.2021, the petitioner joined investigation, fully cooperated with the police, was released on ad interim pre arrest bail and that his custodial interrogation is not required.

5. In view of the statement of learned State counsel, order dated 24.03.2021, passed by this Court, is made absolute. The petitioner shall abide by the terms and conditions enumerated in Section 438(2) Cr.P.C.

6. Petition stands disposed of in the aforementioned terms.

(B.S. Walia)
Judge

17.08.2021
'Amit'

Whether speaking/reasoned: Yes/No.
Whether reportable: Yes/No.