

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

203

CRM-M-15316-2021

Date of Decision: 04.10.2021

Mandeep

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Mohit, Advocate, for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana,
assisted by ASI Ashok Kumar.

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.46 dated 01.03.2021 at Police Station Bhuna, District Fatehabad, under Sections 15/27-A of the NDPS Act.
2. At the time of issuance of notice of motion on 07.04.2021, the following order was passed:

“Counsel for the petitioner herein would contend that the petitioner has been falsely implicated in the present case. It is contended that the petitioner has been nominated as an accused on the basis of disclosure statement suffered by co-accused Ramesh. It is argued that in fact, only 12 kg of poppy husk was recovered from said Ramesh, which in any case, would fall under non-commercial quantity. It is argued that 24 cases that are mentioned in the petition, none of them pertain to NDPS Act.

Notice of motion for 04.10.2021.

At this stage, Ms. Deepshikha Chauhan, AAG Haryana, who is present in court, accepts notice on behalf of the respondent-State.

Meanwhile, the petitioner is directed to join the investigation within a period of one week and on his doing so, in the event of arrest the petitioner be released on interim bail to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall continue to join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.”

3. Learned State counsel upon instructions has informed that pursuant to interim directions issued by this Court, the petitioner has since joined investigation and is not required for any custodial interrogation. Learned State counsel has, however, submitted that the petitioner stands involved in 24 other cases though none of them is under the NDPS Act.
4. Having regard to the fact that the petitioner was never arrested at the spot and has been nominated on the basis of a disclosure statement, the veracity and admissibility of which would be debatable and also the fact that he has already 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 07.04.2021 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.

04.10.2021

Vimal

(GURVINDER SINGH GILL)
JUDGEWhether speaking/reasoned:
Whether reportable:**Yes/No**
Yes/No