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

CRM-M No. 19902 of 2021  
Date of Decision: 13.08.2021

Balwinder

-Petitioner

Versus

State of Haryana

-Respondent

**CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH**

Present: Mr. Dheeraj Narula, Advocate,  
for the petitioner.

Mr. Anant Kataria, D.A.G., Haryana.

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**RAJ MOHAN SINGH, J. (Oral)**

The case has been taken up for hearing through video-conferencing.

Petitioner seeks grant of anticipatory bail under Section 438 Cr.P.C. in case bearing FIR No.41 dated 26.03.2021 registered under Section 17 of NDPS Act at Police Station Odhan, District Sirsa (Haryana).

Notice of motion was issued on 19.05.2021, after recording the following facts:-

*“The case has been taken up for hearing through video-conferencing.*

*Learned counsel for the petitioner*

*contends that petitioner has been nominated on the basis of disclosure statements of Ravi Kumar and Hemraj from whom 90 grams of opium was allegedly recovered. Ravi Kumar has already been granted regular bail by the Court of Additional Sessions Judge, Sirsa on 06.05.2021.*

*Notice of motion for 13.08.2021.*

*In the meanwhile, petitioner is directed to appear before the SHO/Investigating Officer to join investigation on 27.05.2021 at 11:00 AM and in the event of his arrest, he shall be enlarged on interim bail, on his furnishing requisite bail bonds/surety bonds to the satisfaction of Arresting Officer. However, petitioner shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.*

*It is made clear that grant of interim order shall not be taken to be an expression on merits of the case in any manner. The case shall be considered on merits on the adjourned date.”*

As per allegations, petitioner has been nominated on the basis of disclosure statement of co-accused Ravi Kumar and Hemraj from whom 90 grams of opium was allegedly recovered.

According to the disclosure statement, co-accused had purchased the contraband from the petitioner for an amount of Rs.41,000/-.

Learned State counsel on instructions from ASI

Chandan Singh submits that the petitioner has joined the investigation and has only facilitated recovery of Rs.1000/-. Amount of Rs.40,000/- is still to be recovered from him.

In view of the fact that the petitioner has joined the investigation and he has been nominated only on the basis of disclosure statement of co-accused Ravi Kumar and Hemraj, who have been granted regular bail by the Court of Additional Sessions Judge, Sirsa, I deem it appropriate to confirm the order dated 19.05.2021, without meaning anything on the merits of the case.

In view of above, order dated 19.05.2021 is hereby made absolute.

However, the petitioner shall keep on joining the investigation as and when required to do so by the Investigating Officer and shall abide by the conditions as envisaged under Section 438 (2) Cr.P.C.

August 13, 2021

Jyoti Sharma

**(RAJ MOHAN SINGH)**  
**JUDGE**

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