

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(206)

CRM-M-22007-2021

Date of decision:- 25.10.2021

Sanjay Kumar

...Petitioner

Versus

The State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Sanpreet Sandhu, Advocate for the petitioner.

Mr. Gurmeet Singh, AAG, Haryana.

...

SUVIR SEHGAL, J. (Oral)

While granting interim protection to the petitioner, this Court passed the following order on 02.06.2021:-

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

This is the second petition filed by the petitioner seeking anticipatory bail in case FIR No.119 dated 20.04.2021 under Sections 21 and 29 of the NDPS Act, 1985, registered at Police Station Sector 17 Huda, Jagadhari, District Yamuna Nagar.

The first petition (CRM-M-21448-2021) was withdrawn on 28.05.2021, Annexure P-2, with liberty to file a fresh one.

Counsel for the petitioner urges that he has been roped in on the basis of disclosure statement of co-accused, namely, Anmol @ Sanju from whom 12 gms. Smack (heroin) was recovered. He contends that the disclosure statement made by co-accused in police custody is inadmissible in evidence. He submits that the co-accused has already been released on bail by the trial court vide order dated 27.05.2021. He further submits that the petitioner was named in the two other

FIRs, that is, in FIR No.477 dated 22.08.2018, under Section 21 of the NDPS Act, wherein recovery of 6 gms. Smack was allegedly effected from his person and he is on bail; and in FIR No.578 dated 06.08.2015 under Section 61 of the Punjab Excise Act, 1914, wherein he has been convicted and has undergone the entire sentence.

Notice of motion.

On asking of the Court, Mr. Manish Dadwal, AAG, Haryana, accepts notice on behalf of the respondent-State.

List on 17.10.2021.

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

Learned State counsel, upon instructions, from SI Raj Kumar submits that the petitioner has joined the investigation and he is no longer required for custodial interrogation.

In view of the above facts, but without commenting on the merits of the case, the present petition is allowed. Order dated 02.06.2021 is made absolute, subject to the conditions laid down in Section 438 (2) of the Code of Criminal Procedure.

(SUVIR SEHGAL)
JUDGE

25.10.2021
Kamal

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