

**In The High Court for the States of Punjab and Haryana  
At Chandigarh**

CRM-M-23324-2021 (O&M)

Date of Decision:- 6.10.2021

Biru

.... Petitioner

Versus

State of Haryana

... Respondent

**CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL**

Present:- Dr. Deepak Jindal, Advocate, for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana,  
assisted by ASI Mahabir Singh.

*(Proceedings conducted through video conferencing)*

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**GURVINDER SINGH GILL, J. (Oral)**

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered against him vide FIR No. 200, dated 16.5.2021, Police Station City Tohana, District Fatehabad, under Sections 22(c) NDPS Act, Section 269 IPC and Section 51(b) Disaster Management Act, 2005.
2. At the time of issuance of notice of motion on 17.6.2021 the following order was passed:

“Prayer in this petition is for grant of anticipatory bail to the petitioner in case FIR No.0200 dated 16.05.2021 lodged under Section 22(c) of the NDPS

Act, 1985, Section 269 of the IPC, Section 51(b) of the Disaster Management Act, 2005 registered at Police Station City Tohana, District Fatehabad, Haryana.

Learned counsel for the petitioner, inter alia, contends that the petitioner has been falsely implicated in the case in hand. He submits that the contraband namely; Clovidol-100 SR containing salt Tramadol hydrochloride (200 foils of 10 tablets each) was recovered from the possession of the coaccused; Satgur Singh. He further contends that it was only during the interrogation of the main accused Satgur Singh, the petitioner was nominated as an accused in the disclosure statement allegedly suffered by former. It has been contended that the disclosure statement so made by the co-accused has very weak evidentiary value. He also contends that it is a matter of record that the relations between the family of the petitioner and the main accused were restrained on account of a previous litigation. He has invited the attention of this Court to Annexure P-2, which is a judgement dated 05.11.2014 passed by the learned trial Court in a case FIR No. 239 dated 15.06.2014 lodged under Section 148, 149, 323, 324, 341, 506, 326 and 325 of the Indian Penal Code, 1860, which was registered at the instance of the real uncle of the complainant. Learned counsel for the petitioner has further submitted that the petitioner is a daily wager and is a man of clean antecedents in much as he is not involved in any other case much less under the NDPS Act, 1985.

Notice of motion.

On the asking of Court, Mr. Tapan Kumar, DAG, Haryana accepts notice on behalf of the respondent-State.

Meanwhile, petitioner is directed to join investigation as and when required by the investigating officer. In the event of his arrest, he shall be admitted to interim bail on his furnishing bail bonds to the satisfaction of the Arresting/Investigating Officer. The petitioner shall abide by the terms and conditions as envisaged under Section 438(2) Code of Criminal Procedure, 1973.

Adjourned to 06.10.2021.”

3. Learned State counsel, upon instructions from ASI Mahabir Singh, has informed that pursuant to interim directions, the petitioner has since joined investigation and that he is not required for any custodial interrogation.
4. In view of the aforestated position wherein the petitioner is stated to have joined investigation and his custodial interrogation is not warranted, the petition is accepted and the interim directions issued by this Court vide order dated 17.6.2021 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.

**6.10.2021**

Mohan

**(GURVINDER SINGH GILL)**  
**JUDGE**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No