

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

CRM-M-23952 of 2021

Date of Decision:01.09.2021

Ajay Kumar

---Petitioner

versus

State of Haryana

---Respondent

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

Present: Mr. Arpandeeep Narula, Advocate
for the petitioner

Mr. Anant Kataria, Deputy Advocate General,
Haryana.

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. 210 dated
14.6.2021 registered under Section 21 of the Narcotic Drugs
and Psychotropic Substances Act, 1985 at Police Station Sadar
Sirsa, District Sirsa.

25 grams each of heroin was recovered from Sanjay
Kumar and Sudhir Kumar on the basis of secret information.
The petitioner was nominated on the basis of disclosure

statements of aforesaid two persons.

Notice of motion was issued on 24.6.2021 along with interim directions. On 24.6.2021, following order was passed by this Court:-

“Counsel *inter alia* contends that recovery of 25 grams each of heroin has been made from Sanjay Kumar and Sudhir Kumar on the basis of secret information. On account of the disclosure statements made by the persons arrested, the petitioner has been involved. It is accordingly submitted that the veracity as such of the confessions, as such, which has been made by them would be a matter of trial and the quantity of contraband also is non-commercial in nature. It is further argued that involvement in the alleged two other cases of NDPS is on account of the enmity with Sarpanch and also on account of the fact that it was on the basis of disclosure statements made.

Notice of motion.

Mr. Ankur Mittal, Addl. A.G., Haryana accepts notice on behalf of the respondent.

Adjourned to 01.09.2021.

In the meantime, it is directed that the petitioner shall join investigation and in the event of arrest of the petitioner, he shall be released on ad-interim bail subject to the satisfaction of the investigation officer. The petitioner shall join investigation as and when required and shall comply with the conditions laid down in Section 438(2) Cr.P.C.

24.06.2021

shivani

(G.S. SANDHAWALIA)

JUDGE”

Learned counsel for the petitioner submits that in

compliance of the aforesaid order, the petitioner has joined the investigation to the entire satisfaction of the Investigating Officer.

Learned State counsel on instructions from ASI Ashok Kumar admits the aforesaid fact and submits that the petitioner is no more required for further investigation of the case.

Since the petitioner was nominated on the basis of disclosure statements of co-accused, from whom non-commercial quantity of contraband has been recovered, therefore, involvement of the petitioner would remain debatable.

In view of the aforesaid factual position, the interim order dated 24.6.2021 is made absolute. Petitioner shall keep on joining the investigation as and when required to do so and he shall abide by the conditions as envisaged under Section 438 (2) Cr.P.C.

Petition stands disposed of.

(RAJ MOHAN SINGH)
JUDGE

01.09.2021
PARAMJIT

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No