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

CRM-M-25931-2021

Date of decision : 20.12.2021

Kana Gadri @ Kishan

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Yashveer Kharb, Advocate for the petitioner.

Mr. Manish Dadwal, AAG, Haryana.

VIKAS BAHL, J. (ORAL)

Prayer in the present petition is for grant of anticipatory bail to the petitioner in FIR No.134 dated 10.02.2021 registered under Sections 15, 27 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Old Industrial Area Panipat, District Panipat.

On 08.07.2021, a Coordinate Bench of this Court was pleased to pass the following order:-

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

Instant petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 seeking anticipatory bail in case FIR No. 134 dated 10.02.2021 under Sections 15, 27 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short “the NDPS Act”),

registered at Police Station Old Industrial Area Panipat, District Panipat (Annexure P1).

Counsel for the petitioner has contended that 50 kg 540 grams of chura post (poppy husk) was recovered from co-accused, Ashok Kumar, who in his disclosure statement named Amit Kumar and Jacky Singh, who in turn named the present petitioner. According to the counsel, the allegation against the petitioner is that he had supplied the prohibited substance through his driver, Devender, who has been ordered to be released on bail pending trial, vide order dated 20.05.2021 (Annexure P-2) passed in CRM-M-18238-2021. It is his contention that the disclosure statement made by the co-accused in police custody is inadmissible in evidence. He submits that the petitioner, who has unblemished antecedents, is willing to join the investigation and co-operate with the Investigating Agency.

Notice of motion.

On asking of the Court, Mr. Gurmeet Singh, AAG, Haryana accepts notice on behalf of respondent-State. He has instructions to state that drug money of Rs.1,80,000/- was transferred to the Bank account of petitioner by a co-accused.

List on 09.11.2021.

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

Sd/-(SUVIR SEHGAL)

JUDGE

08.07.2021 ”

Thereafter, the matter was taken up on 09.11.2021 and on that

very date, the petitioner was again directed to join the investigation.

Learned counsel for the petitioner has submitted that in pursuance of the abovesaid order dated 08.07.2021, the petitioner has joined the investigation.

Learned counsel for the State, on instructions from ASI Jawahar Lal, has submitted that the petitioner has joined the investigation on 22.11.2021 and is not required for any further custodial interrogation.

Keeping in view the abovesaid facts and circumstances, moreso the facts which have been noticed in the order dated 08.07.2021 and also the fact that the petitioner has joined the investigation and is not required for further custodial interrogation, the present petition is allowed and the interim order dated 08.07.2021 is ordered to be made absolute.

However, nothing stated above shall be construed as an expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

20.12.2021

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No