

In the High Court of Punjab and Haryana at Chandigarh

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CRM-M-27127-2021 (O & M)
Date of Decision: September 15, 2021

KAMAL

....PETITIONER

VERSUS

STATE OF HARYANA

....RESPONDENT

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr.Gaurav Antwal, Advocate for the petitioner.

Mr. Kirpal Singh Thakur, AAG, Haryana.

ANUPINDER SINGH GREWAL, J (ORAL)

Case taken up through video conferencing.

The petitioner is seeking anticipatory bail in FIR No. 164 dated 27.04.2021, under Sections 21/61/85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 ('NDPS Act' - for short), registered at Police Station City Mandi Dabwali, District Sirsa.

Learned counsel for the petitioner contends that the petitioner is not named in the FIR and he has been arraigned as an accused on the statement of co-accused from whom 40 grams of heroin (non-commercial quantity) was allegedly recovered. He further contends that besides the statement of co-accused, there is no prima facie material which would connect the petitioner with the commission of the offence.

Learned State counsel has filed reply/status report by way of affidavit of Deputy Superintendent of Police, Dabwali, District Sirsa wherein it is stated that the petitioner was involved in 03 other cases including 02 under

the NDPS Act. He was acquitted in one case under the NDPS Act while the other cases are pending against the petitioner. In the reply besides the statement of the co-accused, there is no reference to any other material which would connect the petitioner with the commission of the offence.

This Court, by the order dated 09.08.2021, had directed the petitioner to appear before the Investigating Officer and join the investigation and in the event of his arrest, he was ordered to be released on ad-interim bail to the satisfaction of the Investigating/Arresting Officer, subject to the conditions envisaged under Section 438(2) Cr.P.C.

Learned State counsel, on instructions from ASI Ram Niwas, states that the petitioner has joined investigation.

In view of the above and the petitioner having joined investigation, the order dated 09.08.2021 granting interim bail to the petitioner is made absolute.

However, the petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C. He shall also join investigation as and when called upon to do so.

The petition stands disposed of.

(ANUPINDER SINGH GREWAL)
JUDGE

September 15, 2021
A.Kaundal

Whether speaking/ reasoned	:	Yes/No
Whether Reportable	:	Yes/No