

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

CRM-M-29114-2021 (O&M)

Date of Decision:- 9.11.2021

Shabbir @ Habib @ Habbi

.... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Vimal Kumar Gupta, Advocate, for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana,
assisted by SI Hardev Singh.

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. 161, dated 5.7.2020, Police Station Pinangwa, District Nuh, under Section 20 of NDPS Act and Section 120-B of IPC.
2. At the time of issuance of notice of motion the following order was passed on 27.7.2021:

“Learned counsel for the petitioner contends that as per the case of prosecution a secret information was received against 3 persons namely Shabbir (petitioner), Sahil and

Abbas to the effect that they were bringing huge quantity of 'Ganja' in a truck. Pursuant to receipt of said information barricading was held and the truck in question was intercepted. However, upon seeing the police party the driver and the conductor are alleged to have alighted from the truck and tried to run away but the driver was apprehended by the police who disclosed his name as Sahil. Upon interrogation he disclosed the name of the person who had run away as Shabbir. It is the case of prosecution that the search of the truck led to recovery of 26 plastic bags which were found to contain 822.350 kg. of 'Ganja'.

Learned counsel for the petitioner submits that since the petitioner was never ever arrested at the spot and has been nominated on the basis of disclosure statement of co-accused, no sanctity can be attached to the case of the prosecution.

Notice of motion for 9.11.2021.

Meanwhile, in the event of arrest, the petitioner be released on interim bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and cooperate with the Arresting/Investigating Officer and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.”

3. The learned State counsel, upon instructions from SI Hardev Singh, has informed that pursuant to interim directions issued by this Court, the petitioner has since joined investigation. It has however, been informed that the petitioner is not disclosing as to from whom the aforesaid contraband was procured. Learned State counsel has

however, informed that the petitioner is not involved in any other case.

4. Having regard to the aforestated position wherein the petitioner is stated to have joined investigation and is not even stated to be involved in any other case, the petition is accepted and the interim directions issued by this Court vide order dated 27.7.2021 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.

9.11.2021

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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No