

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(202)

CRM-M-29703-2021

Date of Decision : December 07, 2021

Akhtar

..Petitioner

Versus

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Sarfraj Hussain, Advocate, for the petitioner.

Mr. Gaurav Bansal, Assistant Advocate General, Haryana.

HARSIMRAN SINGH SETHI J. (ORAL)

The petitioner is seeking anticipatory bail in FIR No.172 dated 23.08.2019 registered under Section 20 of the NDPS Act, 1985 at Police Station Sector-6, Dharuhera, District Rewari.

Learned counsel for the petitioner contends that the petitioner has joined investigation in terms of order passed by the Coordinate Bench of this Court dated 29.07.2021. Order dated 29.07.2021 is as under:-

“Prayer is for grant of anticipatory bail in case FIR No.172 dated 23.08.2019 under Section 20 of NDPS Act registered at Police Station Sector 6, Dharuhera, District Rewari.

As per allegations in the FIR, 8 kg and 155 grams of Ganja was recovered from co-accused Bali Ram and Mahipal.

Name of the petitioner is alleged to have surfaced in the disclosure statement of said co-accused that they had purchased the contraband from the petitioner.

Learned counsel for the petitioner contends that the petitioner has falsely been roped in. Recovery is of non-commercial quantity. Though the petitioner is involved in two other cases under NDPS Act but he is on bail in those cases. The petitioner undertakes to cooperate with the investigation.

Notice of motion for 02.11.2021.

Meanwhile, in the event of arrest, the petitioner shall be released on interim anticipatory bail to the satisfaction of the Arresting/Investigating Officer, subject to the conditions provided under Section 438 (2) Cr.P.C. The petitioner is also directed to join the investigation and cooperate with the Investigating Agency, as and when required. ”

Learned State counsel, who is present in the Court, on instructions from SI Yashwant Singh, states that in terms of the order of the Coordinate Bench of this Court reproduced before, the petitioner has joined the investigation and no further interrogation is required at this stage.

Learned counsel for the petitioner undertakes that petitioner will join investigation and also cooperate with the investigating agency in case he is required for the same in future as well.

In view of the above, the order dated 29.07.2021 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.

In case at any given point of time hereinafter, it is felt by the investigating agency that petitioner is required for the investigation but is

not cooperating, they will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

December 07, 2021

harsha

**(HARSIMRAN SINGH SETHI)
JUDGE**

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No