

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

212

CRM-M-30909-2021

Date of Decision: 23.11.2021

Sikandar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Manjeet Singh, Advocate,
for the petitioner.

Ms. Sheenu Sura, DAG, Haryana,
assisted by ASI Hemraj.

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.0147 dated 12.05.2021 at Police Station Bawani Khera, District Bhiwani, under Section 20(b) of the NDPS Act.
2. At the time of issuance of notice of motion, the following order was passed on 04.08.2021:

“Learned counsel for the petitioner submits that although the allegations as per FIR are to the effect that a secret information was received that the petitioner had kept concealed ‘*Ganja*’ in a pile of fire wood in his plot, but in fact the place of recovery is not owned by him. Learned counsel in this regard has referred to the jamabandi for the year 2016-17 (Annexure P-2) as per Column No.7 of which the property comprised in following Khasra Nos. belongs to Dalip Singh & others:

1. No. of Khwat or Jamabandi	2. Khatoni No.	4. Name of owner with description	5. Name & Description of person in possession	7. No. Khasra or Murabba & Killa No.	8. Area & nature of Land	12. Remarks
972//896	xx	xx	xx	42// 15/2	Xx	Xx
973//897	xx	xx	xx	60// 6 7	Xx	Xx
973 Continue	xx	xx	xx	42// 16 17/1 17/3 42// 24/2 24/2 25 60// 4 5	Xx	Xx
974//898	xx	xx	xx	60// 14	Xx	Xx

It has further been submitted that the petitioner was never ever found at the spot and in these circumstances, he cannot be attributed conscious possession of the contraband recovered from a piece of agricultural land, which is not even owned by him.

Notice of motion for 23.11.2021.

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 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. As per the reply filed on behalf of the respondent/State, pursuant to interim directions issued by this Court, the petitioner has since joined investigation and that he is not involved in any other case.
4. In view of the aforestated position, wherein the petitioner was never ever arrested at the spot and has already joined investigation

and otherwise is stated to be having a clean record, the petition is accepted and the interim directions issued by this Court vide order dated 04.08.2021 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.

23.11.2021

Vimal

**(GURVINDER SINGH GILL)
JUDGE**

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