

CRM-M-32845-2021

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

CRM-M-32845-2021.
Date of Decision:-21.09.2021.

Parkash

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Sanchit Punia, Advocate for the petitioner.

Mr. Manish Dadwal, AAG, Haryana.

(Through Video Conferencing)

VIKAS BAHL, J. (Oral)

This is the first petition under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case bearing FIR No.417 dated 29.06.2021 under Section 21 (b) of NDPS Act, 1985, registered at Police Station Barwala, District Hisar.

On 13.08.2021, a Co-ordinate Bench of this Court was pleased to pass the following order:-

“Prayer in the present petition is for grant of anticipatory bail to the petitioner in FIR No.417 dated 29.06.2021 registered under Section 21(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Barwala, District Hisar.

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Learned counsel for the petitioner inter alia contends that there is no recovery from the petitioner and the petitioner is only sought to be implicated in the case on the basis of statement made by the coaccused namely Preeta @ Bimla from whom the alleged recovery of 16.40 grams of smack has been made. He has further submitted that the petitioner is involved in one more case but in the said case also, he has been involved on the basis of disclosure statement made by the coaccused and even in the said case, no recovery has been made from the petitioner. It has further been argued that vide order dated 12.08.2021 in CRM-M-32377-2021, the petitioner has already been granted the interim protection by this Court.

Notice of motion.

On asking of the Court, Mr. Praveen Bhadu, AAG, Haryana accepts notice on behalf of State of Haryana and seeks time to get instructions.

Adjourned to 21.09.2021.

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

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Learned counsel for the petitioner has submitted that in pursuance of the above-said order, the petitioner has joined the investigation.

Learned State counsel, on instructions from SI Surender Singh, has submitted that the petitioner has joined the investigation and is not required for further investigation.

This Court has heard the learned counsel for the parties.

Keeping in view the above facts and circumstances, moreso, the fact that the petitioner has joined the investigation and is not required for further investigation, the present petition is allowed and interim order dated 13.08.2021 is made absolute.

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

(VIKAS BAHL)
JUDGE

September 21, 2021.

sandeep

Whether speaking/reasoned:-

Yes/No

Whether Reportable:-

Yes/No