

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

CRM-M-32839-2020

Date of Decision:29.01.2021

Neeraj

.....Petitioner

Vs.

State of Haryana

....Respondent

CORAM : HON'BLE MR.JUSTICE AMOL RATTAN SINGH

Present: Mr. Aditya Sanghi, Advocate,
for the petitioner.

Mr. Surender Singh, AAG, Haryana.

AMOL RATTAN SINGH, J. (Oral)

Case heard by video conference.

By this petition, the petitioner seeks the concession of anticipatory bail, upon FIR no.305, dated 30.8.2020, having been registered at Police Station City, Mandi Dabwali, District Sirsa, alleging therein the commission of an offence punishable under Section 15(b) of the NDPS Act, 1985.

On 15.10.2020, the following order had been passed by this court:

“All cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the Covid-19 pandemic.

By this petition, the petitioner seeks the concession of anticipatory bail, upon FIR no.305, dated 30.8.2020, having been registered at Police Station City, Mandi Dabwali, District Sirsa, alleging therein the commission of an offence punishable under Section 15(b) of the NDPS Act, 1985.

Learned counsel for the petitioner submits that the petitioner was only named in an alleged disclosure statement made by the co-accused from whom 15 kgs of poppy husk was recovered (as per the case of the investigating agency), from the car in which they travelling.

Notice of motion.

Mr.Deepak Bhardwaj, learned DAG, Haryana, accepts notice at the asking of the court.

Upon query to him, he submits that so far at least he has not received any instructions to the effect that there is any other criminal case registered against the petitioner. He also could not deny the aforesaid contentions raised by Mr.Sanghi (as per instructions received by him).

That being so, the petitioner is directed to join investigation and upon him so joining if he is sought to be arrested, he shall be released on bail, on his furnishing adequate bail and surety bonds to the satisfaction of the arresting officer/Ilaqa Magistrate.

He shall also comply with all conditions stipulated in Section 438(2) of the Cr.P.C.

If the investigating officer does not actually join the petitioner in investigation, he would appear before the learned Ilaqa Magistrate immediately, who would then summon the arresting officer and direct him to join him in investigation, in terms of the order of this court.

Adjourned to 18.1.2021.”

On 18.01.2020, after reproducing the above order the following order was passed:-

“Today, though learned State counsel submits, on instructions from ASI Balwan Singh, that the petitioner has not joined investigation, Mr. Sanghi, learned counsel for the petitioner, submits that as per his instructions from the counsel who had appeared for the petitioner before the learned Additional Sessions Judge (where a similar petition had been dismissed), the petitioner has in fact joined investigation.

It is of course to be again noticed that in the order dated 15.10.2020 it had been made very clear that if the petitioner goes to join investigation and is not 'so joined' by the investigating officer, he would approach the Ilaqa Magistrate concerned who would then summon the arresting officer to ensure that the petitioner is joined investigation.

Obviously, if the petitioner has not done even that, this court would be loathe to continue the interim order in his favour.

For a gazetted officer to file a reply to the petition, also stating therein that as to whether the petitioner has joined investigation or not and if so on what date, adjourned to 29.01.2021.

Interim order to continue till that date only.”

Today, learned State counsel, on instructions, reiterates that the petitioner had not joined investigation pursuant to the order dated 15.10.2020 and in fact he was arrested on 07.01.2021, in the context of another FIR registered against him, also under the provisions of the NDPS Act, 1985.

That being so, learned counsel for the petitioner also does not deny that petitioner already having been arrested, this petition has actually been rendered infructuous. It is disposed of as such.

January 29, 2021

dharamvir

**(AMOL RATTAN SINGH)
JUDGE**

Whether speaking/reasoned : YES/NO
Whether Reportable : YES/NO