

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

214

(I) CRM-M-39965-2020 (O&M)

Dharambir ...Petitioner

Versus

State of Haryana ...Respondent

(II) CRM-M-18595-2021 (O&M)

Nirmala ...Petitioner

Versus

State of Haryana ...Respondent

Date of Decision: 18.08.2021

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Paras Jagga, Advocate, for the petitioner
in CRM-M-39965-2020.

Mr. Karunesh Kaushal, Advocate, for the petitioner
in CRM-M-18595-2021.

Ms. Sheenu Sura, DAG, Haryana,
assisted by SI Bhoop Singh.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. This order shall dispose off the aforesaid two petitions i.e. CRM-M-39965-2020 filed on behalf of Dharambir and CRM-M-18595-2021 filed on behalf of Nirmala seeking grant of anticipatory bail in respect of a case registered against them vide FIR No.273 dated 30.10.2020 at Police Station Kalanwali, District Sirsa, under Section 20 of the NDPS Act and Sections 186/332/353/224/225/34 IPC.

2. At the time of issuance of notice of motion in CRM-M-39965-2020 (Dharambir's case), the following order was passed on 02.12.2020:

“Learned counsel for the petitioner contends that it is a case where one Vicky and Rohtash were apprehended by the police and who were found in possession of ‘*ganja patti*’. Learned counsel contends that the petitioner has been nominated on the basis of an alleged disclosure statement made by the aforesaid two accused to the effect that the petitioner Dharambir and his wife Nirmala indulged in sale of ‘*ganja patti*’ and that they were in possession of 1 kg of ‘*ganja patti*’. It is submitted that although pursuant to the aforesaid disclosure statement, a raid was conducted but the petitioner was never arrested at the spot and nor any recovery was effected and that the petitioner is sought to be falsely implicated by raising allegation that he had attacked the police party.

Notice of motion for 29.4.2021.

xx xx”

3. Even in CRM-M-18595-2021 (Nirmala's case), interim directions staying her arrest were issued and she was directed to join investigation vide order dated 12.05.2021.
4. Learned State counsel upon instructions has informed that pursuant to interim directions issued by this Court, both the petitioners have since joined investigation. Learned State counsel has, however, informed that petitioner-Dharambir stands involved in 3 other cases.
5. Having regard to the facts and circumstances of the case and the fact that neither any recovery was ever effected from the

petitioners nor they were named in the FIR and that they came to be nominated on the basis of a disclosure statement made by co-accused and while also noticing that both the petitioners have since joined investigation and their custodial interrogation is not required, both the petitions are accepted and the interim directions issued by this Court vide order/s dated 02.12.2020 in CRM-M-39965-2020 and 12.05.2021 in CRM-M-18595-2021 are hereby made absolute subject to the condition that the petitioners 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.

**(GURVINDER SINGH GILL)
JUDGE**

18.08.2021
Vimal

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