

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-44342-2021

Date of Decision: 18.11.2021

(PROCEEDINGS THROUGH V.C.)

Gurdev Singh

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: - Mr. Ankit Midha, Advocate for the petitioner.

Mr. Saurabh Girdhar, Assistant Advocate General, Haryana.

ASHOK KUMAR VERMA, J. (ORAL)

The petitioner has filed the present petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail in case FIR No. 155 dated 31.08.2021 registered under Sections 15 and 61 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Ding, District Sirsa, Haryana.

The order dated 21.10.2021, vide which the petitioner has been granted interim bail, is reproduced below:-

“The matter has been taken up through video conferencing in the light of COVID-19 pandemic.

The present petition has been filed under Section 438 of Code of Criminal Procedure, 1973 seeking grant of concession of anticipatory bail to the present petitioner in case FIR No.155, dated 31.08.2021 under Sections 15 and 61 of Narcotic Drugs and Psychotropic Substances Act,

1985 registered at Police Station Ding, District Sirsa, Haryana.

As per the version of the prosecution, on 31.08.2021, fellow accused Angrej and Jaswant Singh were found keeping in their conscious possession 25 kgs. Doda-post in a plastic bag without any permit or license. Now it is submitted that the petitioner has only been nominated on the basis of disclosure statement made by the above said accused as they allegedly stated to have purchased it from the present petitioner.

Notice of motion.

Ms. Safia Gupta, learned Assistant Advocate General, Haryana appears on behalf of the State of Haryana and accepts notice.

Learned State counsel does not dispute about the recovery of 25 kgs. Doda-post from Angrej and Jaswant Singh which is a non-commercial quantity. She also does not dispute about the nomination of the present petitioner as accused in pursuance of the disclosure statement made by the aforesaid accused.

*Adjourned to **12.11.2021**.*

The petitioner is directed to join the investigation within a period of 10 days from today onwards. In the event of arrest, the petitioner shall be released on interim anticipatory bail, to the satisfaction of the Arresting Officer and shall also abide by the conditions laid down under Section 438(2) Cr.P.C.”

Learned counsel for the petitioner submits that the petitioner, in pursuance to the order dated 21.10.2021, has already appeared before the SHO/Investigating Officer and has joined the investigation.

Learned State counsel, on instructions from PSI Sandeep Kumar, has not disputed the factual position and submits that the

petitioner has joined the investigation and is no more required for any further investigation.

In view of the above, the petition is disposed of and the interim bail granted to the petitioner, vide order dated 21.10.2021, is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

November 18, 2021

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**(ASHOK KUMAR VERMA)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No