

205 IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-44393-2021  
Date of Decision :20.12.2021

Rajbir

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Govind Rana, Advocate  
for Mr. Harkesh Manuja, Advocate,  
for the petitioner.

Mr. Gaurav Bansal, AAG, Haryana.

**HARSIMRAN SINGH SETHI J. (ORAL)**

The petitioner is seeking anticipatory bail in FIR No.356, dated 28.08.2021, under Sections 18/27 of NDPS Act, 1985 registered at Police Station Industrial Sector-29, Panipat.

Learned counsel for the petitioner contends that the petitioner has joined investigation in terms of order passed by this Court dated 25.10.2021.

Order dated 25.10.2021 is as under:-

*“Present petition has been filed under Section 438 Cr.P.C for the grant of anticipatory bail to the petitioner in respect of FIR No.356 dated 28.08.2021 registered under Sections 18 and 27 of the NDPS Act, 1985 at Police Station Industrial Sector 29, Panipat.*

*Learned counsel for the petitioner submits that the petitioner has been roped in the present case on the basis of the disclosure statement of the co-accused to the effect that prior to he being caught with 50 grams of opium, he had sold 500 grams of opium to the petitioner. Learned counsel for the petitioner further submits that the said allegation is totally false and further, the said disclosure statement has no admissibility in law and as the petitioner is willing to join the investigation and cooperate with the same and also keeping in view the fact that even the quantity of opium being attributed to the petitioner is only 500 grams, which is much less than the commercial quantity, the petitioner may kindly be extended the benefit of anticipatory bail.*

*Notice of motion.*

*Mr. Gaurav Bansal, learned Assistant Advocate General, Haryana.,*

*who is present in the Court, keeping in view the service of advance copy of petition, accepts notice on behalf of the respondent-State.*

*Learned counsel for the respondent-State submits that though, it is conceded that the petitioner is being roped in the present case on the basis of the disclosure statement of the co-accused Mohan Kumar but, 500 grams of opium, allegedly sold by the co-accused to the petitioner, is yet to be recovered for which the custodial interrogation of the petitioner is required.*

*Learned counsel for the respondent-State concedes that the quantity being attributed to the petitioner even by the co-accused Mohan Kumar, is much less than the commercial quantity.*

*I have heard learned counsel for the parties and have gone through the record with their able assistance.*

*Keeping in view the facts and circumstances noticed hereinbefore, as the petitioner has been roped in the present case on the basis of the disclosure statement of the co-accused, which statement is yet to be proved during the trial and the quantity of opium having been sold to the petitioner, even in the said disclosure statement, is much less than the commercial quantity, hence, the purpose of investigation will be achieved in case the petitioner is directed to join the investigation and cooperate with the same.*

*Petitioner is directed to join the investigation forthwith.*

*In the event of his arrest, he shall be released on interim bail to the satisfaction of the Arresting Officer/Investigating Officer on his furnishing bail bonds/surety bonds to his/her satisfaction subject to the following conditions:*

*i) That he shall make himself available for interrogation by the police officer as and when required.*

*(ii) That he shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the said facts to the Court or to any police officer.*

*(iii) That he shall not leave India without prior permission of the Court.*

*(iv) That he shall abide by all the conditions as enshrined under Section 438 (2) Cr.P.C.*

*Adjourned to 13.12.2021.*

*It is, however, made clear that after the petitioner join the investigation, in case any incriminating material comes against the petitioner, the respondent-State will be at liberty to file appropriate application seeking the custody of the petitioner in case, the same is needed.”*

Learned State counsel, on instructions from ASI Anil Kumar, states that in terms of the order of this Court reproduced before, the petitioner has joined the investigation and no further interrogation is required at this stage.

Learned counsel for the petitioner undertakes that petitioner will join investigation and also cooperate with the investigating agency in case he is required for the same in future as well.

In view of the above, the order dated 25.10.2021 granting interim bail to the petitioner is made absolute.

However, the petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C. He shall also join investigation as and when called upon to do so.

In case at any given point of time hereinafter, it is felt by the investigating agency that petitioner is required for the investigation but is not cooperating, they will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

**20.12.2021**  
*hemlata*

**(HARSIMRAN SINGH SETHI)**  
**JUDGE**

Whether speaking/reasoned : Yes  
Whether reportable : Yes