

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

(Sr. No. 207)

**CRM-M No.41164 of 2020
Date of decision : 29.10.2021**

Jaideep

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL

Present : Ms. Harpreet Kaur Arora, Advocate for the petitioner.
Mr. Rahul Mohan, DAG, Haryana.

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DEEPAK SIBAL, J. (Oral)

The matter has been taken up through video conferencing.

The present petition has been filed under Section 438 Cr.P.C.
for the grant of anticipatory bail in FIR No.208 dated 21.10.2020 registered
under Sections 22, 61, 85 of the Narcotic Drugs and Psychotropic
Substances Act, 1985 (Section 29 of the NDPS Act added later on) at Police
Station Babain, district Kurukshetra.

On 09.12.2020, this Court had passed the following order : -

*“The case has been taken up for hearing through
video conferencing.*

*The petitioner has filed the present petition under
Section 438 of the Code of Criminal Procedure, 1973 (for
short 'the Cr.P.C.') for grant of anticipatory bail in case
FIR No.208 dated 21.10.2020 registered under Sections
22 of the Narcotic Drugs and Psychotropic Substances
Act, 1985 (for short 'the NDPS Act') in Police Station
Babain, District Kurukshetra to which Section 29 of the
NDPS Act was added later on.*

Learned Counsel for the petitioner has submitted

that as per the prosecution version co-accused Saurabh was apprehended with 500 tablets of Rx. Diphenoxylate Hydrochloride and Atropine Sulphate Tablets USP Microlit Micron which falls in the category of noncommercial quantity. Co-accused Saurabh made disclosure statement naming Rinku @ Tinku as the supplier of the tablets. The petitioner has been falsely implicated in the case on the basis of disclosure statement made by co-accused Rinku @ Tinku. The petitioner has nothing to do with the alleged recovery. Rigors of Section 37(1)(b) of the NDPS are not applicable qua the petitioner. The petitioner has been falsely involved in one more case under the NDPS Act but he is on bail in that case. The petitioner is ready to join the investigation.

Notice of motion.

Pursuant to supply of advance copy of the petition, Mr. Sumit Jain, Addl. A.G. Haryana has appeared and accepted notice on behalf of the respondent-State.

Learned State counsel seeks time to file reply.

Adjourned to 10.02.2021.

In the meanwhile, the petitioner is directed to join the investigation as and when called upon to do. In the event of his arrest, the petitioner shall be released on interim bail by the arresting officer/investigating officer on furnishing of bail bonds by him to the satisfaction of the arresting officer/investigating officer. The petitioner shall comply with the conditions enumerated under Section 438(2) (i) to (iii) of the Cr.P.C. In view of Section 438(2)(iv) read with Section 437(3)(b) of the Cr.P.C. interim anticipatory bail granted to the petitioner shall also be subject to the condition that he shall not commit any similar offence under the NDPS Act after his release on interim anticipatory bail. In case of non-compliance of the above-said conditions, the petitioner shall not be entitled to the protection of interim anticipatory bail allowed to him.”

Learned State counsel submits that under the afore-quoted order passed by this Court, the petitioner has joined the investigation; cooperated with the investigating agency; investigation is complete and that his custodial interrogation is not required by the State.

In view of the above, the interim order of this Court dated 09.12.2020, granting ad interim anticipatory bail to the petitioner is made absolute.

29.10.2021

sunil yadav

**(DEEPAK SIBAL)
JUDGE**

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