

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

217

CRM-M-44169-2020

Date of Decision: 01.09.2021

Virender

...Petitioner

Versus

The State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. B.S.Saroja, Advocate, for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana,
assisted by ASI Rajesh Kumar.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered against him vide FIR No.760 dated 15.12.2020 at Police Station Shahbad, District Kurukshetra, under Section 18 of the NDPS Act.
2. At the time of issuance of notice of motion, the following order was passed:

“It is the case of the prosecution that pursuant to a secret information Prince Sharma was apprehended by the Police and from his possession 630 grams of opium was recovered. It is further the case of the prosecution that said Prince Sharma suffered a disclosure statement to the effect that it is the petitioner, who had supplied the said contraband to him.

Learned counsel for the petitioner has submitted that he was never arrested at the spot and nor any contraband was ever recovered from him and has been nominated as an

accused on the basis of alleged disclosure statement, the veracity of which would be debatable.

Notice of motion for 22.04.2021.

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xx”

3. Learned State counsel upon instructions has informed that pursuant to interim directions issued by this Court, the petitioner has since joined investigation and is not required for any custodial interrogation. It has, however, been informed that the petitioner was earlier involved in another case registered under the NDPS Act, but he stands acquitted.
4. It is not in dispute that the petitioner was never arrested at the spot and has been nominated on the basis of a disclosure statement made by co-accused from whom the recovery was effected. The veracity and admissibility of such disclosure statement would be debatable. In any case, since the petitioner has already joined investigation and is presently not involved in any other case, his custodial interrogation is not warranted. The petition, as such, is accepted and the interim directions issued by this Court vide order dated 28.12.2020 are hereby made absolute subject to the condition that the petitioner 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.

01.09.2021

Vimal

(GURVINDER SINGH GILL)
JUDGE

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

Whether reportable: **Yes/No**