

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

CRM-M-44257 of 2020

DECIDED ON: 20th APRIL, 2021

JaiPrakash @ Budhram

.....PETITIONER

VERSUS

State of Haryana

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. Sandeep Goyat, Advocate for petitioner.

Mr. Deepak Bhardwaj, DAG Haryana.

AVNEESH JHINGAN, J (ORAL)

The matter is taken up for hearing through video conference due to COVID-19 situation.

This petition is filed for grant of anticipatory bail in case of FIR No.236 dated 29.6.2020 under Sections 18/61 of NDPS Act, 1985, registered at Police Station Adampur, District Hisar.

This Court vide order dated 7th January, 2021 granted interim bail subject to joining investigation. The order is reproduced below:

"This is a petition seeking anticipatory bail in FIR No. 236 dated 29.6.2020, under Sections 18/ 61 of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Adampur, District Hisar.

The brief facts are that the FIR was registered on the basis of secret information received that Chandi son of Raj Kumar and Soni son of Dhalu Ram do the business of selling opium. They would be moving towards Gurshal from their village on a motor cycle for selling opium. Acting upon the information, checking was done. A motor cycle CD-Deluxe

without number was seen coming from Jhansal side. On seeing the police party, the driver of the motor cycle turned the motor cycle with the purpose to run away. The pillion rider was apprehended who disclosed his name as Chandi Ram and the name of the driver as Kuljeet. 300 grams of opium was recovered from Chandi Ram. During investigation, a disclosure statement was made by Chandi Ram that he had purchased opium from Vinod Kumar and Jaiprakash (petitioner).

Learned counsel for the petitioner submits that the petitioner was not named in the FIR; his name surfaced only in the disclosure statement of the co-accused and the recovery from Chandi Ram is of non-commercial quantity.

Notice of motion.

Mr. Deepak Bhardwaj, DAG, Haryana appearing on advance notice accepts the same.

Learned counsel for the State opposes the prayer for grant of anticipatory bail stating that the petitioner had sold the opium; the motor cycle belonged to him and the same is yet to be recovered.

At this stage, learned counsel for the petitioner submits that the petitioner is ready to join the investigation and get the motor cycle recovered, if so required by the investigating agency.

Considering that the petitioner was not named in the FIR; his name surfaced in a disclosure statement; moreover the recovery is of non-commercial quantity and there is no other case pending against the petitioner, he is granted interim bail subject to his joining investigation within two weeks from today. He shall be bound by the conditions envisaged under Section 438(2) Cr.P.C.

Adjourned to 20.4.2021."

Learned State counsel on instructions from SI Sahab Ram submits that the petitioner has joined investigation, motor cycle has been recovered and his custodial interrogation is not required.

As no custodial interrogation is needed, the interim bail granted on 7th January, 2021 is made absolute.

Disposed of accordingly.

20th APRIL, 2021

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(AVNEESH JHINGAN)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>Yes/No</i>