

CRM-M-44356-2020.

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-44356-2020.

Date of Decision:-13.09.2021.

Ram Kumar

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. J.S. Dhaliwal, Advocate for the petitioner.

Mr. Manish Dadwal, AAG, Haryana.
(Through Video Conferencing)

VIKAS BAHL, J. (Oral)

This is the first petition under Section 438 for grant of anticipatory bail in FIR No.238 dated 13.12.2020 under Section 17 of the NDPS Act, 1985 registered at Police Station Ding, District Sirsa.

On 05.01.2021, a Coordinate Bench of this Court had passed the following order:-

“Counsel for the petitioner prays for grant of anticipatory bail to the petitioner in FIR No.238 dated 13.12.2020 registered under 17 of NDPS Act at Police Station Ding, District Sirsa.

Counsel for the petitioner inter alia would argue that the petitioner is not involved at all in the instant case. The petitioner has been nominated in the said FIR on the basis of disclosure statement of the co-accused from whom the alleged recovery of the contraband was effected.

I have heard counsel for the parties.

The petitioner is directed to join the investigation within a period of one week and on his doing so, the petitioner be released on interim bail subject to his furnishing

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personal/surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall continue to join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

List for further consideration on 25.05.2021.”

Learned counsel for the petitioner has submitted that in pursuance of the above said order, the petitioner has joined the investigation and the petitioner is sought to be implicated only on the basis of disclosure statement of the co-accused and at any rate, the alleged recovery from the co-accused Ram Bahadur is of 100 gms of opium, which is non-commercial quantity.

Learned State counsel, on instructions from ASI Sandeep Kumar, has submitted that the petitioner has joined the investigation and is no more required for further investigation.

Keeping in view the above said facts and circumstances, moreso, the fact that the petitioner has joined the investigation and there is no recovery from him, the present petition is allowed and interim order dated 05.01.2021 is made absolute.

However, nothing stated above shall be construed as an expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

(VIKAS BAHL)
JUDGE

September 13, 2021.

sandeep

Whether speaking/reasoned:-

Whether Reportable:-

Yes/No

Yes/No