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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-48615-2019
Date of decision-01.09.2021

SHARWAN KUMAR

...Petitioner

Vs.

STATE OF HARYANA

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Atul Lakhanpal, Sr. Advocate with
Mr. Rajwant Singh Chahal, Advocate
for the petitioner.

Kanwar Sanjiv Kumar, AAG, Haryana.

MANOJ BAJAJ, J. (ORAL)

This petition has been filed by the petitioner under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.284 dated 19.07.2019 under Section 15 NDPS Act, 1985, registered at Police Station Sadar, Fatehabad, District Fatehabad. The petitioner apprehended his arrest at the hands of Police, in the above FIR.

Learned counsel for the petitioner has invited the attention of the Court to the order dated 16.11.2019, whereby, while issuing notice of motion to respondent-State, the interim protection was extended to the petitioner. The said order reads as under:-

“Learned counsel for the petitioner contends

that the FIR is founded on a secret information, wherein two persons, namely, Binod Kumar and Hem Raj were described as the persons engaged in dealing with poppy husk. It is pointed out that the recovery was effected from these two accused persons, who were carrying this contraband in their vehicle bearing registration No.HR24M-6286. According to him on the statement of said accused persons, the petitioner was indicted as an accused on the ground that the said contraband was purchased from him. He submits that the said statement may not be admissible and in the given facts, the custodial interrogation of the petitioner is not required.

Notice of motion for 31.3.2020.

Meanwhile, the petitioner shall join the investigation and would come present as and when called for and in the event of arrest, the petitioner shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C.”

Learned counsel for the petitioner further contends that in deference to the said order, the petitioner submitted himself before the Police and joined the investigation. According to him, the petitioner cooperated with the Police Authorities during the investigation and furnished requisite bonds to the satisfaction of the Investigating Officer/Arresting Officer.

Learned State counsel who is assisted by SI Krishan Kumar does not dispute this fact that the petitioner has joined the investigation and he is not required for custodial interrogation for the time being.

Considering the above, the petition is allowed and the interim bail granted by this Court vide order dated 16.11.2019 is made absolute.

(MANOJ BAJAJ)
JUDGE

01.09.2021

Vipin kumar

Whether speaking/reasoned :
Whether Reportable :

Yes	No
Yes	No