

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

CRM-M-2823 of 2022(O&M)

Date of Decision: 19.12.2022

Sanjay @ Sanjeev @ Sanjeev Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM :HON'BLE MR. JUSTICE KARAMJIT SINGH

**Present:- Mr. Piyush Sharma, Advocate
For the petitioner.**

Mr. Naveen Sheoran, DAG Haryana.

KARAMJIT SINGH, J.

The present petition has been filed by the petitioner under Section 438 Cr.P.C. seeking anticipatory bail in case having FIR No. 336 dated 22.09.2021, registered under Section 22(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Dabwali Sadar, District Sirsa.

The counsel for the petitioner submits that the petitioner has joined the investigation with the police by virtue of order of interim bail. The counsel for the petitioner further submits that the petitioner was named as accused in the present case on the basis of alleged disclosure made by co-accused Rohtash @ Raju but the said co-accused already stands discharged by the learned trial Court vide order dated 11.11.2022 on the ground that the sample sent for analysis was found to be not containing any narcotic or

psychotropic substance. The counsel for the petitioner has furnished the copy of said order, which is taken on record.

Status report by way of affidavit of Kuldeep Singh Beniwal, Deputy Superintendent of Police, Sirsa is filed along with Annexures R-1 to R-3. The State counsel on instructions from SI Madan Lal has admitted the fact that co-accused Rohtash has been discharged by the Court concerned vide order dated 11.11.2022 and this fact has also been admitted in the aforesaid status report. The State counsel further submits that now the petitioner is not required by the police for any further investigation.

In view of the fact that the main accused already stands discharged and the petitioner has joined the investigation, no purpose is served by subjecting the petitioner to custodial interrogation at this point of time.

Accordingly, without commenting on the merits of the case, the instant petition is allowed and order of interim bail dated 04.02.2022 is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

19.12.2022
Jiten

(KARAMJIT SINGH)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No