

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-3987-2022 (O&M)
Date of Decision:-30.3.2022

Mahender Singh

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Paramjit Singh Jammu, Advocate for the petitioner.

Mr. Rahul Mohan, DAG, Haryana,
assisted by SI Sandeep.

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner seeks grant of anticipatory bail in respect of a case registered vide FIR No.0023 dated 21.1.2022, Police Station Ding, District Sirsa, under Section 21-B of Narcotic Drugs & Psychotropic Substances Act.
2. At the time of issuance of notice of motion, the following order was passed on 1.2.2022:

“Case heard by way of video conferencing.

By this petition, the petitioner seeks the concession of anticipatory bail, upon FIR no.0023, dated 21.01.2022, having been registered at Police Station Ding, District Sirsa, alleging therein the commission of an offence punishable under Section 21-B of the NDPS Act, 1985.

Learned counsel for the petitioner first submits that even the story as given in the FIR is completely unbelievable, that the petitioner would run away in the presence of five police officials; and in any case the recovery of heroin from a plastic bag that is alleged to have been thrown away, was only of 6 grams heroin even as per the investigating agency, and consequently with commercial quantity being above 250 grams, the bar under Section 37 of the NDPS Act, 1985 would not operate.

He further submits that there is no other criminal case registered against the petitioner.

Notice of motion.

Mr. Neeraj Poswal, learned AAG, Haryana, accepts notice at the asking of the Court on behalf of respondent-State.

He obviously could not deny the factual position as is shown in the FIR and also submits that as per instructions there is no other criminal case registered against the petitioner.

That being so, the petitioner is directed to join investigation within one week and upon her so joining, in case she is sought to be arrested, she would be released on interim bail, on her furnishing adequate bail and surety bonds to the satisfaction of the arresting officer/Ilaqa Magistrate.

He shall also comply with the conditions stipulated in Section 438(2) of the Cr.P.C.

If the arresting officer does not join the petitioner in investigation, he would appear before the learned Ilaqa Magistrate immediately, who would then summon the arresting officer and direct him to join him in investigation, in terms of the order of this court.

Adjourned to 30.03.2022.”

3. Learned State counsel, upon instructions from SI Sandeep, has informed that pursuant to interim directions the petitioner has since joined investigation

and is not required for any custodial interrogation. It has also been informed that the petitioner is not involved in any other case.

4. I have considered rival submissions addressed before this Court.
5. Having regard to the aforestated position, wherein the petitioner is stated to have joined investigation and is not required for any custodial interrogation, the petition is accepted and the interim directions issued by this Court vide order dated 1.2.2022 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.

30.3.2022

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No