

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

CRM-M-4762-2022
Date of decision: 01.04.2022

Vinod Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Sandeep Siwach, Advocate
for the petitioner.

Mr. Deepak Kumar Grewal, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of anticipatory bail in FIR No. 0014 dated 18.01.2022, registered under Section 21 of the NDPS Act, 1985 and Section 25 of the Arms Act, 1959 at Police Station Nathu Sarai Chopta, District Sirsa.

The operative part of the order dated 04.02.2022, vide which the petitioner has been granted interim bail, is reproduced below:

“Learned counsel for the petitioner submits that the petitioner has been named as an accused in the FIR allegedly on a disclosure statement made by the person from whom some contraband and live cartridges of a .315 bore weapon were recovered, the allegation against the petitioner, even as per such disclosure statement (allegedly made police custody), being that he had supplied the said cartridges to that person, i.e. Rohtash, the allegation of the supplying of heroin, being against one Mash Khan.

Notice of motion.

On the asking of the Court, Mr. Neeraj Poswal,

AAG, Haryana, accepts notice on behalf of the respondent.

Adjourned to 01.04.2022.

A copy of the petition be e-mailed to him today itself by learned counsel for the petitioner.

Learned counsel for the State submits that as regards the contents of the FIR, he obviously cannot refute those, but there are three other criminal cases registered against the petitioner. However, learned counsel for the petitioner submits that the petitioner was actually acquitted in all three cases.

In view of the above, since the allegation against the petitioner is not with regard to supplying of heroin to the aforesaid Rohtash, obviously it would be a moot point whether the bar contained under Section 37 of the NDPS Act, 1985, would apply at all or not; and consequently, with even the allegation of live cartridges having been supplied by the petitioner being something disclosed after the aforesaid Rohtash was apprehended, the petitioner is directed to join investigation within one week and if, upon him so joining, he is sought to be arrested, he shall be released on interim bail, upon his furnishing adequate bail and surety bonds to the satisfaction of the arresting officer/Duty Magistrate, till the next date of hearing.

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

Learned counsel for the petitioner submits that the petitioner, in pursuance to the order dated 04.02.2022, has already appeared before the SHO/Investigating Officer and has joined the investigation.

Learned counsel for the State, on instructions from the Investigating Officer and on the basis of the affidavit of the DSP, has not disputed the factual position and submits that the petitioner has joined the

investigation and is no more required for any further investigation.

In view of the above, the petition is allowed and the interim bail granted to the petitioner, vide order dated 04.02.2022, is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

01.04.2022

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No