

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

CRM-M-5079-2022 (O&M)

Date of Decision:- 10.5.2022

Mubarik

.... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Sarfraj Hussain, Advocae for the petitioner.

Mr. Rahul Mohan, DAG, Haryana,
assisted by ASI Rajesh.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered against him vide FIR No.228 dated 21.07.2021 registered at Police Station Punhana, District Nuh, under Sections 20, 61, 85 of the Narcotic Drugs and Psychotropic Substances (NDPS) Act, 1985.
2. At the time of issuance of notice of motion the following order was passed on 8.2.2021:

“The petitioner herein seeks the relief of anticipatory bail in the criminal case arising out of the FIR bearing No.228

dated 21.07.2021 registered at Police Station Punhana, District Nuh, under Section 20 of the Narcotic Drugs and Psychotropic Substances (NDPS) Act, 1985.

Learned counsel for the petitioner, inter-alia, contends that the petitioner was not even present at the spot at the time of the alleged recovery of 'Ganja leaves', weighing 12.650 Kg, from his co-accused and he has been roped in as an accused in this case merely for the reason that he happens to be the brother of his co-accused, who were nabbed by the police at the spot whereas in fact, he had no role to play in the alleged crime and moreover, he is ready to join in the investigation as and when so required and is also not involved in any other criminal case of the similar nature.

Notice of motion.

Mr. Apoorv Garg, learned Deputy Advocate General, Haryana, who has joined the proceedings in this case in pursuance of the copy of the instant petition having been sent to the respondent-State in advance, accepts the notice. He seeks some time to get proper and complete instructions in the present matter from the quarter concerned and if deemed necessary, then to file the status-report also.

Adjourned to 10.05.2022.

Meanwhile, in the event of his arrest, the petitioner shall be released on interim bail subject to his furnishing the requisite personal and surety bonds to the satisfaction of the Arresting/Investigating Officer.

However, the petitioner shall join in the investigation as and when required/called upon to do so and shall also strictly abide by all the conditions as laid down in Section 438(2) Cr.P.C.”

3. Learned State counsel, upon instructions from ASI Rajesh, has informed that pursuant to interim directions, the petitioner has joined investigation and is not required for custodial interrogation. It has however, been informed that the petitioner is involved in one more case.
4. Having regard to the aforestated position wherein the petitioner has 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 8.2.2022 is 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.

10.5.2022

Mohan

(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No