

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

CRM-M-5894-2022 (O&M)

Date of Decision:- 4.7.2022

Ashok alias Ashu

.... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Nipun Vashist, Advocate, for the petitioner.

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

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.10 dated 12.1.2022, Police Station Sector 6, Dharuhera, District Rewari, under Sections 21, 27-A of NDPS Act wherein the allegations are broadly to the effect that co-accused Mayank was found in possession of 1.10 grams of 'Smack' which admittedly was in the category of 'small quantity'. It is further the case of

prosecution that during the course of interrogation said Mayank disclosed that he had procured the contraband from the petitioner.

2. At the time of issuance of notice of motion the following order was passed on 11.2.2022:

“Counsel for the petitioner herein, while praying for grant of anticipatory bail to the petitioner, would submit that the petitioner has been falsely implicated in the present case only on the basis of disclosure statement suffered by the co-accused. It is argued that neither the petitioner was present at the spot nor any recovery had been effected from him. It is submitted that the petitioner is ready to join the investigation.

Notice of motion for 04.07.2022.

At this stage, Mr. Kuldeep Tiwari, Addl. AG Haryana, who is appearing through the medium of video conferencing, accepts notice on behalf of the respondent-State.

Meanwhile, the petitioner is directed to join the investigation within a period of one week and on his doing so, in the event of arrest the petitioner be released on interim bail to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall continue to join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.”

3. Learned State counsel, upon instructions from SI Vijay, has informed that pursuant to interim directions, the petitioner has joined investigation and is not required for custodial interrogation.
4. Having regard to the aforestated position particularly the fact that it is a case of recovery of small quantity of contraband from co-accused

Mayank and the petitioner has subsequently been involved on the basis of disclosure statement, the petition is accepted and the interim directions issued by this Court vide order dated 11.2.2022 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.

4.7.2022

Mohan

(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No