

**CRM-M-5653-2020
Date of decision-21.04.2022**

Kewal Krishan

...Petitioner

Vs.

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Jagjit Gill, Advocate for the petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana.

MANOJ BAJAJ, J. (Oral)

Petitioner has approached this Court under Section 438 Code of Criminal Procedure to seek anticipatory bail in case FIR No.0036 dated 21.01.2020 under Section 21 of NDPS Act, 1985 registered at Police Station Ellenabad, District Sirsa, who apprehends his arrest at the hands of Police.

On 10.02.2020, this Court had passed the following order:-

“The petitioner has filed this petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail in case FIR No.36 dated 21.01.2020 registered under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the NDPS') at Police Station Ellenabad, District Sirsa.

Learned Counsel for the petitioner has submitted

that the petitioner has been falsely implicated in the case on the basis of disclosure statement made by his co-accused Sukhdev and Vikas. The petitioner was not apprehended on the spot and nothing was recovered from him. Rigors of Section 37(1)(b) of the NDPS are not applicable qua the petitioner. The petitioner is ready to join the investigation.

Notice of motion.

On the asking of the Court, Mr. Arjun Singh Yadav, Asstt. A.G., Haryana accepts notice on behalf of the respondent-State. Copy of the paper book has been supplied to learned State Counsel, who seeks time to complete his instructions.

Adjourned to 22.04.2020.

In the meanwhile, the petitioner is directed to join the investigation as and when called upon to do so. In the event of his arrest, the petitioner shall be released on interim bail by the arresting officer/investigating officer on furnishing of bail bonds by him to the satisfaction of the arresting officer/investigating officer. The petitioner shall comply with the conditions enumerated under Section 438(2) of the Cr.P.C. failing which he shall not be entitled to the protection of interim bail allowed to him.”

Learned counsel for the petitioner has stated that in compliance of the above order, the petitioner associated himself in the investigation and cooperated during interrogation.

Learned State counsel who is instructed by SI Tara Chand states that indeed the petitioner has joined the investigation and is not required for custodial interrogation for the time being.

Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 10.02.2020 is made absolute.

(MANOJ BAJAJ)
JUDGE

21.04.2022
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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No