

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

206

CRM-M-8206-2021

Date of Decision: 23.02.2022

Sandeep Panwar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. U.K.Agnihotri, Advocate, for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana,
assisted by ASI Anil.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of anticipatory bail in respect of a case registered vide FIR No.552 dated 25.07.2020 at Police Station HTM Hisar, District Hisar, under Section 21(B) of the NDPS Act.
2. When this matter was taken up for hearing on 10.11.2021, the following order was passed:

“The petitioner is seeking anticipatory bail in FIR No.552 dated 25.07.2020, under Section 21(B) of the NDPS Act, registered at Police Station HTM Hisar, District Hisar.

Learned counsel for the petitioner contends that it is alleged in the FIR that 27 gram heroin was recovered from co-accused Ravi and Shubham. The petitioner is not named in the FIR and has been arraigned as an accused on the statement of co-accused Shubham. The petitioner does not have any criminal antecedents.

List on 15.12.2021.

In the meantime, the petitioner is directed to appear before the Investigating/Arresting Officer and join investigation. In the event of his arrest, the Investigating/Arresting Officer shall release the petitioner on

ad interim bail subject to his/her satisfaction. The petitioner shall also abide by the conditions as envisaged under Section 438 (2) Cr.P.C.”

3. Learned State counsel upon instructions has informed that pursuant to interim directions issued by this Court, the petitioner has joined investigation, but is not fully cooperating with the investigation inasmuch as he is not furnishing the requisite information, which is required for the purpose of investigation of the case. Learned State counsel has, however, informed that the petitioner is not involved in any other case.
4. Having regard to the aforestated position particularly the fact that the petitioner has been nominated as an accused on the basis of a disclosure statement and has joined investigation, it would not be a case warranting custodial interrogation. Though the learned State counsel has pointed out that the petitioner is not furnishing complete information, but an accused cannot be forced to make an admission, which goes against his interest. In any case, the petitioner otherwise is stated to be having a clean record and is not involved in any other case. In these circumstances, the petition is accepted and the interim directions issued by this Court vide order dated 10.11.2021 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.

23.02.2022

Vimal

(GURVINDER SINGH GILL)
JUDGE

Whether speaking/reasoned: **Yes/No**
Whether reportable: **Yes/No**