

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-9087-2022

Date of decision : 18.07.2022

Tara Chand

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHLPresent: Mr.Sumit S.Bairagi
for the petitioner.

Mr.Munish Sharma, AAG, Haryana.

VIKAS BAHL, J.(ORAL)

This is a first petition under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in FIR no.0041 dated 14.01.2022 registered under Section 21 of the Narcotic Drugs and Psychotropic Substances, Act, 1985 at Police Station Indri, District Karnal.

On 16.03.2022, a coordinate Bench of this Court was pleased to pass the following order:-

“Learned counsel for the petitioner has argued that as per prosecution, the petitioner on seeing the police ran away and at that time a polythene bag containing 90.6 grams of heroin fell from his pocket whereupon the present FIR has been registered. He has argued that the said occurrence took place near a temple and on a road which leads to the grain market but no independent witness was joined and the recovery is in the presence of the police officials only. He has argued that it is the police officials who had identified the petitioner as an accused. He prays for bail.

Learned State counsel has opposed the prayer on the ground that in another similar nature of case bearing FIR No.742/2021, the petitioner was found to be having in possession 6.30 grams of heroin, wherein he is on regular bail and since he is known to the police officials, therefore, they could easily identify him. However, it is not disputed that no statement of any

independent witness in respect of this occurrence has been recorded and the recovered contraband is non-commercial in nature.

Adjourned to 18.07.2022.

Meanwhile, the petitioner shall join the investigation and would come present as and when called for and in the event of arrest, the petitioner shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C.

16.03.2022

**(MANOJ BAJAJ)
JUDGE"**

Learned counsel for the petitioner has submitted that in pursuance of the said order, the petitioner has joined the investigation.

Learned State counsel, on instructions from SI Parvesh Kumar, has submitted that the petitioner has joined investigation and is not required for further investigation.

Keeping in view the above said facts and circumstances moreso, the facts which have been noticed in the order dated 16.03.2022, and also the fact that the petitioner has joined the investigation and is not required for further investigation, the present petition is allowed and the interim order dated 16.03.2022 is made absolute.

Nothing stated above shall be construed as an expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

**(VIKAS BAHL)
JUDGE**

July 18, 2022

Davinder Kumar

Whether speaking / reasoned
Whether reportable

Yes/No
Yes/No