IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

214

CRM-M-17519-2022(O&M)
Date of decision:05.09.2022

VIKAS ....Petitioner

Versus

STATE OF HARYANA ...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

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Present : Mr. Kartar Singh Malik (I), Advocate
for the petitioner.

Mr. Arun Beniwal, DAG, Haryana.

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GURVINDER SINGH GILL. J. (ORAL)

The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.0152, dated 02.03.2022, Police Station Shivaji Colony, District Rohtak, Haryana, under Section 22 of Narcotic Drugs & Psychotropic Substances Act.

At the time of issuance of notice of motion, the following order was passed on 28.04.2022:-

> *"The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.0152 dated 2.3.2022, at Police Station Shivaji Colony, District Rohtak, Haryana, under Section 22 of Narcotic Drugs & Psychotropic Substances Act.*
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> *The FIR was lodged upon receipt of secret information to the effect that co-accused Mayank was indulging in sale of intoxicants. Pursuant to receipt of said information, the police apprehended said Mayank,*

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who was found in possession of 50 bottles of 'Onerex'. Although the petitioner was not named in the FIR but came to be nominated subsequently on the basis of a disclosure statement stated to have been made by aforesaid Mayank.

Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case solely on the basis of a disclosure statement stated to have been made by aforesaid Mayank, which would not carry any evidentiary value.

Notice of motion for 5.9.2022.

Meanwhile, in the event of arrest, the petitioner be released on interim bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join investigation as and when called upon to do so and cooperate with the Arresting/Investigating Officer and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

The learned State counsel has admitted that though it is a case of disclosure statement and petitioner has also joined investigation but perusal of the call detail record collected by the Police would reveal that there has been exchange of several calls between the petitioner and co-accused Mayank during the period 25.02.2022 to 02.03.2022.

As far as the call details are concerned, no doubt the same does suggest that the petitioner had been conversing with the co-accused but at this stage it is not possible to say that the said conversation was in respect of the contraband in question, particularly bearing in mind the fact that the petitioner has a clean record. Learned State counsel, upon instructions from SI Pankaj, has informed that pursuant to interim directions, the petitioner has since joined investigation and he is not required for any custodial

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interrogation. Learned State counsel has informed that the petitioner is not involved in any other case.

Having regard to the aforestated position, wherein the petitioner is stated to have joined investigation and is not required for any custodial interrogation and he is not stated to be involved in any other case, the petition is accepted and the interim directions issued by this Court vide order dated 28.4.2022 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.

(GURVINDER SINGH GILL)
JUDGE

05.09.2022
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No

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