

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

203

CRM-M-18434-2022
Decided on :19.07.2022

Kanhiya Lal Gujjar

. . . Petitioner

Versus

State of Haryana

. . . Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Sushil Bhardwaj, Advocate
for the petitioner.

Mr. Munish Sharma, AAG, Haryana.

VIKAS BAHL, J. (Oral)

This is a petition for grant of anticipatory bail to the petitioner in FIR No. 446 dated 24.07.2021 registered under Sections 15 and 18 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (Sections 201 and 120-B IPC added later on) registered at Police Station Sadar Bhiwani, District Bhiwani.

On 02.05.2022, this Court was pleased to pass the following order:-

“Learned counsel for the petitioner inter alia contends that in the present case, neither the petitioner has been named in the secret information nor any recovery has been effected from him and the petitioner has been sought to be implicated solely on the basis of disclosure statement of the coaccused persons namely Paramjit Singh and Baldev Singh, from whom, the recovery has been effected. It is

further submitted that the petitioner was involved only in one criminal case, in which also, he has been acquitted. It is argued that the Sessions Judge Bhiwani, while rejecting the case of the petitioner for grant of anticipatory bail, has taken into consideration the fact that co-accused of the petitioner namely Ashok Pandit and Tejbir Walia who are on parity with the petitioner, have not been granted the concession of anticipatory bail whereas the said persons have been granted anticipatory bail by this Hon'ble Court.

Notice of motion.

On asking of the Court, Mr. Munish Sharma, AAG, Haryana, appears and accepts notice on behalf of State of Haryana and seeks time to get instructions.

Adjourned to 19.07.2022.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall 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.

Learned State Counsel is directed to file short reply in the present case indicating if there is any incriminating material against the petitioner other than the disclosure statement and also specifically indicating as to whether there were any phone calls exchanged between the present petitioner and co-accused persons namely Paramjit Singh and Baldev Singh, from whom the recovery has been effected and who had been arrested at the spot. ”

Learned counsel for the petitioner has submitted that the petitioner has joined the investigation.

Learned counsel for the State has submitted that the petitioner has joined the investigation and as per the status report, there is no phone call exchanged between the petitioner and the main accused.

Keeping in view the abovesaid facts and circumstances moreso, the facts which have been noticed in abovesaid order dated 05.05.2022 and also the fact that the petitioner has joined the investigation and is not required for further investigation and also the fact that there are no phone calls exchanged between the petitioner and the main accused from whom the recovery has been effected, the present petition is allowed and the interim order dated 05.05.2022 is ordered to be made absolute.

However, 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 application.

(VIKAS BAHL)
JUDGE

19.07.2022
Mehak

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No