

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

207

CRM-M-20316-2022 (O&M)

Date of Decision: 27.09.2022

Julfan

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Davneet Sangwan, Advocate, for the petitioner.

Mr. Krishan K. Chahar, Addl. AG, Haryana.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered against him vide FIR No.21 dated 12.1.2021, Police Station Sadar Yamuna Nagar, District Yamuna Nagar, under Sections 21 and 29 of Narcotic Drugs & Psychotropic Substances Act.
2. At the time of issuance of notice of motion on 12.05.2022, the following order was passed:

“The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.21 dated 12.1.2021, Police Station Sadar Yamuna Nagar, District Yamuna Nagar, under Sections 21 and 29 of Narcotic Drugs & Psychotropic Substances Act. The FIR was lodged on the basis of secret information received by the police to the effect that one Azam @ Kala indulged in sale of ‘smack’. Pursuant to receipt of said information, the police raised barricades and was able to intercept said Azam @ Kala, who was found in possession

of 50 grams of 'smack'. It is further the case of prosecution that during the course of interrogation said Azam @ Kala disclosed that he had procured the said contraband from the petitioner Julfan. Learned counsel submits that the petitioner is nowhere named in the FIR and came to be nominated on the basis of a disclosure statement, which would not carry any evidentiary value particularly in the absence of any other corroborative evidence.

Notice of motion for 27.9.2022.

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.”

3. Learned State counsel upon instructions has informed that pursuant to interim directions issued by this Court, although the petitioner has joined investigation, but has not disclosed the name of his supplier. It has also been informed that the petitioner otherwise is not involved in any other case.
4. Having regard to the facts and circumstances of the case and while noticing that the petitioner has joined investigation and has a clean record, he would be entitled to grant of bail. The fact that the petitioner has not disclosed the name of his supplier cannot be made a ground for dismissing his bail in every case particularly when the accused otherwise is stated to be having a clean record. The petition, as such, is accepted and the interim directions issued by this Court vide order dated 12.05.2022 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.

27.09.2022

Vimal

(GURVINDER SINGH GILL)
JUDGE

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