

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(212)

CRM-M-26177-2022

Date of decision: - 03.08.2022

Puran Ram

....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Divya Narula, Advocate,
for the petitioner.

Mr. Munish Sharma, AAG, Haryana.

VIKAS BAHL, J. (ORAL)

This is the first petition under Section 438 of Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.27 dated 27.01.2022, under Sections 21/27-A/61/85 of the NDPS Act, registered at Police Station Ellenabad, District Sirsa.

On 10.06.2022, a Co-ordinate Bench of this Court was pleased to pass the following order:-

“The instant petition seeking anticipatory bail under Section 438 Cr.P.C has arisen out of FIR No.27 dated 27.01.2022, under Sections 21/27-A/61/85 of NDPS Act, registered at Police Station Ellenabad, District Sirsa.

Learned counsel for the petitioner contends that he is not named in the FIR and dragged in merely on the basis of disclosure statement made by Charanjeet @ Cheenu.

Notice of motion.

On the asking of the Court, Mr. Amit Aggarwal, DAG, Haryana, who is present in the Court, accepts notice on behalf of respondent – State and on instructions from SI Naresh states that no material except the disclosure statement is available against the petitioner and no recovery has been effected so far.

Adjourned to 03.08.2022.

This Court is sanguine of the fact that the FIR relates to 27.01.2022 i.e more than five months by now and investigation is almost over. Admittedly, the petitioner is not named in the FIR and neither any recovery is to be effected from him. Therefore, the petitioner is granted interim bail subject to his joining investigation within 10 days. In the event of arrest, he shall be released on bail subject to his furnishing adequate bail bonds to the satisfaction of the Investigating Officer. He is directed to join the investigation as and when called for. He shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

(SANDEEP MOUDGIL)
JUDGE

10.06.2022"

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

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

Keeping in view the abovesaid facts and circumstances moreso, the facts which have been noticed in abovesaid order dated 10.06.2022 and also the fact that the petitioner has joined the investigation and is not required for further custodial interrogation, the present petition is allowed and the interim order dated 10.06.2022 is ordered to be made absolute.

However, nothing stated above shall be construed as a final 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.

August 03, 2022
naresh.k

(VIKAS BAHL)
JUDGE

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