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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-29711-2021 (O&M)
Date of Decision:17.02.2022

Rajender @ Raju

.. Petitioner

Vs.

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. R.S. Mamli, Advocate for the petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana.

...

Manoj Bajaj, J. (Oral)

Petitioner has approached this Court under Section 438 Code of Criminal Procedure to seek anticipatory bail in a case FIR No.0277 dated 29.07.2020 registered under Sections 22(c) and 27(a) NDPS Act, 1985 at Police Station Sadar Fatehabad, District Fatehabad, who apprehends his arrest at the hands of Police.

On 29.07.2021, this Court had passed the following order:

“The Court has been convened through video conferencing due to Covid-19 pandemic.

Counsel for the petitioner contends that a recovery of intoxicating tablets was effected from co-accused, Pritam, who named Mahipal as a supplier. On his arrest on 14.02.2021, Mahipal disclosed the name of the present petitioner. Counsel contends that Mahipal has been released on regular bail by this Court vide order dated 21.05.2021 passed in CRM-M-18860-2021. It is his argument that the disclosure statement of the co-accused recorded in the police custody is not admissible in evidence. He submits that though the petitioner was named as an accused in another FIR registered against him for offences under the NDPS Act, but in that case also, he was involved on the basis of disclosure statement of a co-accused.

Notice of motion.

On asking of the Court, Mr. Gurmeet Singh, AAG,

Haryana, accepts notice on behalf of the respondent-State. Upon instructions from ASI Surender Singh, he submits that the petitioner is related to the main accused Pritam, and even in the previous FIR, the petitioner was arrested on the basis of disclosure statement of Pritam.

List on 09.11.2021.

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.”

Learned counsel for the petitioner has stated that in compliance of the above order, the petitioner associated himself in the investigation and cooperated during interrogation.

Learned State counsel, who is instructed by SI Mahender Singh, states that indeed the petitioner has joined the investigation and is not required for custodial interrogation for the time being.

Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 29.07.2021 is made absolute.

17.02.2022
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes No
Yes No