

101

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

CRM-M-26686-2022

Date of decision : 15.07.2022

Rohit Hans

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. J.S. Dadwal, Advocate for the petitioner.

Mr. Sukhbeer Singh, AAG, Punjab.

VIKAS BAHL, J. (ORAL)

Prayer in the present petition is for grant of anticipatory bail to the petitioner in FIR No.35 dated 13.02.2022 registered under Sections 21 and 21-B of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Special Task Force, STF Wing, Mohali.

On 16.06.2022, a Coordinate Bench of this Court was pleased to pass the following order:-

“The petitioner is seeking anticipatory bail in FIR No. 0035 dated 13.02.2022 under Sections 21 and 21-B of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short ‘NDPS Act’) registered at Police Station Special Task Force, STF Wing, Mohali.

As per the case set up, 210 grams of Heroin was recovered by the police party from co-accused Munish. The

petitioner is stated to be a supplier of the recovered contraband.

Learned counsel for the petitioner submits that it is a case of false implication due to petitioner's involvement in an earlier case under the NDPS Act. He further submits that petitioner was not apprehended from the spot. He was named in the disclosure statement, which has no evidentiary value.

Learned counsel for the State appearing on advance notice opposes the prayer for grant of anticipatory bail and submits that the petitioner is involved in three more FIRs including one under the NDPS Act.

Without commenting on the merits of the case, considering the nature of allegations against the petitioner and the fact that recovery from the co-accused was of non-commercial quantity, the petitioner is granted interim bail subject to his joining investigation within ten 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.

List on 15.07.2022.

Sd/-(AVNEESH JHINGAN)

16.06.2022

JUDGE ”

Learned counsel for the petitioner has submitted that in pursuance of the abovesaid order dated 16.06.2022, the petitioner has joined the investigation.

Learned counsel for the State, on instructions from ASI Gulshan Kumar, has submitted that the petitioner has joined the investigation on 22.06.2022 and is not required for any further custodial

interrogation.

Keeping in view the abovesaid facts and circumstances moreso, the facts which have been noticed in abovesaid order dated 16.06.2022 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 16.06.2022 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.

15.07.2022

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No