

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH.**

205

CRM-M-27248-2022

Date of decision: 08.07.2022

MANOJ KUMAR

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present : Ms. Shaveta Sanghi, Advocate
for Mr. Aditya Sanghi, Advocate
for the petitioner.

Mr. P.P.Chahar, DAG, Haryana.

SURESHWAR THAKUR, J. (ORAL)

1. The petitioner, by filing the present petition, cast under Section 438 of Cr.P.C., seeks grant of anticipatory bail in case FIR No.254 of 29.04.2022, registered at Police Station City Narnaul, District Mahendergarh, Haryana, wherein an offence constituted, under Section 20 of the NDPS Act, 1985, is embodied.

2. At the crime site, from the purported conscious, and, exclusive possession of the arrested principal offender, 1 Kg 100 grams of *Ganja* became recovered.

3. However, during the course, the investigating officer subjecting the principal arrested accused to custodial interrogation, he made a disclosure, that the present bail petitioner was a supplier of the seized contraband. Therefore, the present bail petitioner becomes amenable for his being tried as a conspirator alongwith the principal

arrested accused, for the petition offence.

4. Be that as it may, since the weight of the seizure, makes it fall within the ambit of non commercial quantity thereof, thereupon, the rigors of Section 37 of the NDPS Act are not applicable thereons. Consequently, he becomes entitled for becoming admitted to anticipatory bail. Moreover, when at this stage no evidence has been adduced by the prosecution, suggestive that in the event of the bail petitioner being enlarged on anticipatory bail, there is every likelihood of his fleeing from justice, and/or, tampering with prosecution evidence, thereupon too, it is not deemed fit to decline the relief of pre-arrest bail to the petitioner.

5. However, the learned State Counsel has vehemently opposed the application, on the ground, that the bail applicant-petitioner is a habitual offender, thereupon there is every likelihood of the bail applicant-petitioner abusing the facility of bail, as may become accorded to him. Nonetheless, the vigour of the afore made submission, of the learned State Counsel, before this Court, can become mitigated, by imposition of stringent conditions, upon the bail applicant-petitioner.

7. In aftermath, the instant petition is allowed, and, the order made by this Court on 23.06.2022, is made absolute subject to his rendering his co-operation to the investigating officer concerned, and, his not influencing the prosecution witnesses, and, also his not tampering with the prosecution evidence.

7. In addition, in case, the bail applicant-petitioner re-indulges in criminal activities, thereupon, it is open to the investigating officer concerned to forthwith arrest the bail applicant-petitioner, and, thereafter

to produce him before the learned Magistrate concerned, for the latter making an order for his being put to judicial custody.

8. The afore observations are meant only for the disposal of the present petition, and, shall not affect the merits of the trial arising from FIR (supra).

08.07.2022
kavneet singh

(SURESHWAR THAKUR)
JUDGE

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