

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

202

CRM-M-37603-2021 (O&M)

Date of Decision: 22.08.2022

Shahnwaz

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Ms. Ginnijeet Malhotra, Advocate, for
Mr. Saleem Ahmed, Advocate, for the petitioner.

Mr. Rahul Mohan, DAG, Haryana,
assisted by SI Sunil.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.184 dated 22.03.2021 at Police Station Faridabad, Sector – 58, District Faridabad, under Sections 20/61/85 of the NDPS Act.
2. At the time of issuance of notice of motion 10.09.2021, the following order was passed:

“Learned counsel for the petitioner inter-alia contends that the petitioner has been falsely implicated in this case; the only evidence against the petitioner is the alleged disclosure statement of a co-accused made in police custody which is not admissible under Section 25 of the Indian Evidence Act, 1872; there is no other criminal case that the petitioner faces; even if the case of the prosecution is taken as the gospel truth, though vehemently denied, the alleged recovery from the co-accused is of 4.150 kgs of Ganja which is way less than the prescribed commercial quantity under the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short – the Act) and that the petitioners is also

ready and willing to join investigation as and when called by the investigating agency.

Notice of motion.

Mr. Rahul Mohan, Deputy Advocate General, Haryana, accepts notice on behalf of the respondent-State.

For arguments, adjourned to 09.12.2021.

In the meanwhile subject to the petitioner's joining investigation as and when called by the investigating agency as also abiding by the other conditions provided under Section 438(2) Cr.P.C, in the event of his arrest in FIR No.184, dated 22.03.2021, registered under Sections 20, 61, 85 of the Act at Police Station Faridabad Sector 58, District Faridabad, he shall be released on ad interim anticipatory bail to the satisfaction of the Arresting Officer."

3. Learned State counsel upon instructions has informed that pursuant to interim directions issued by this Court, the petitioner has since joined investigation and is not required for any custodial interrogation.
4. Having regard to the aforestated position as regards the petitioner having joined investigation and not being required for any custodial interrogation and while also bearing in mind the fact that the recovery of 4.150 Kgs. of *Ganja* would fall within the category of 'non commercial' quantity, the petition is accepted and the interim directions issued by this Court vide order dated 10.09.2021 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.

22.08.2022

Vimal

(GURVINDER SINGH GILL)
JUDGE

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