

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-35031-2022 (O&M)

Date of Decision:-29.11.2022

Deepak

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Anirudh Singh Shera, Advocate for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana,
assisted by ASI Rajesh Kumar.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of anticipatory bail in respect of a case registered vide FIR No.478, dated 17.7.2022, Police Station Ladwa, District Kurukshetra, under Section 18/61 of Narcotic Drugs and Psychotropic Substances Act, 1985, wherein offence under Section 29 of NDPS Act was added later on.
2. At the time of issuance of notice of motion, the following order was passed on 8.8.2022:

“The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered against him vide FIR No. 478 dated 17.7.2022, Police Station Ladwa, District Kurukshetra under Sections 18/61 of NDPS Act (Section 29 NDPS Act added later on).

The case of the prosecution is that pursuant to receipt of secret information against co-accused Arun, he was apprehended and 100 grams of ‘Opium’ was recovered from him. It is further the case of prosecution that during the course of interrogation he disclosed that he had purchased 150 grams of ‘Heroin’ from the petitioner for an amount of Rs.18,000/-.

Learned counsel for the petitioner has submitted that it is a case of recovery of non-commercial quantity of contraband from co-accused and that the petitioner was never ever present at the spot and has been nominated on the basis of disclosure statement which would hardly carry any evidentiary value.

Notice of motion for 29.11.2022.

Meanwhile, in the event of arrest, the petitioner be released on interim bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and cooperate with the Arresting/Investigating Officer and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.”

3. Learned State counsel, upon instructions from the Investigating Officer, has informed that pursuant to interim directions, the petitioner has since joined investigation and he is not required for any custodial interrogation. It has also been informed that the petitioner is not involved in any other case.
4. Having regard to the aforesaid position, wherein the petitioner is stated to have joined investigation and is not required for any custodial interrogation and he is not stated to be involved in any other case, the petition is accepted and the interim directions issued by this Court vide order dated 8.8.2022 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.

29.11.2022

pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No