

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(202)

CRM-M-38495-2021

Date of Decision : February 08, 2022

Sunny alias Shanny alias Surender Kumar

.. Petitioner

Versus

State of Haryana

.. Respondent

(Through Video Conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Jasvir Singh Dhaliwal, Advocate, for the petitioner.

Mr. Gaurav Bansal, Assistant Advocate General, Haryana.

HARSIMRAN SINGH SETHI J. (ORAL)

The petitioner is seeking anticipatory bail in FIR No.124 dated 27.07.2021 registered under Section 15 of the NDPS Act, 1985 at Police Station Ding, District Sirsa.

Learned counsel for the petitioner contends that the petitioner has joined investigation in terms of order passed by this Court dated 20.09.2021. Order dated 20.09.2021 is as under:-

“Present petition has been filed under Section 438 Cr.P.C for the grant of anticipatory bail to the petitioner in respect of FIR No.124 dated 27.07.2021 registered under Section 15 of the NDPS Act, 1985 at Police Station Ding, District Sirsa.

Learned counsel for the petitioner submits that the petitioner has been roped in the present case on the basis of

the disclosure statement of the co-accused and the recovery, which has been effected from the co-accused, is not commercial in nature and therefore, the petitioner, who is ready to join the investigation and cooperate with the same, may kindly be granted the benefit of anticipatory bail.

Notice of motion.

Mr. Gaurav Bansal, learned Assistant Advocate General, Haryana, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition, accepts notice on behalf of the respondent-State.

Learned counsel for the respondent-State submits that the petitioner is yet to be interrogated to find out the actual truth for the reason that as per the disclosure statement, the contraband, which was recovered from the co-accused, was allegedly purchased from the petitioner. Learned counsel for the respondent-State further submits that the petitioner is involved in five other cases.

Learned counsel for the petitioner submits that out of the five cases, wherein the petitioner was involved, the petitioner has already been acquitted in four cases and only one case remains pending, which is not related to the NDPS Act.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Keeping in view the fact that the petitioner has been involved in the present case on the basis of the disclosure statement of the co-accused and the allegations alleged against the petitioner are yet to be proved in the Court of law as well as that the contraband recovered is not of commercial quantity, the petitioner has made out a case for the grant of anticipatory bail.

Petitioner is directed to join the investigation forthwith.

In the event of his arrest, he shall be released on interim bail to the satisfaction of the Arresting Officer/Investigating

Officer on his furnishing bail bonds/surety bonds to his/her satisfaction subject to the following conditions:

i) That he shall make himself available for interrogation by the police officer as and when required.

(ii) That he shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the said facts to the Court or to any police officer.

(iii) That he shall not leave India without prior permission of the Court.

(iv) That he shall abide by all the conditions as enshrined under Section 438 (2) Cr.P.C.

Adjourned to 01.12.2021.

It is, however, made clear that after the petitioner join the investigation, in case any incriminating material comes against the petitioner, the respondent-State will be at liberty to file appropriate application seeking the custody of the petitioner in case, the same is needed.”

Learned State counsel, on instructions from ASI Somit Kumar, states that in terms of the order of this Court reproduced before, the petitioner has joined the investigation and no further interrogation of the petitioner is required at this stage.

Learned counsel for the petitioner undertakes that petitioner will join investigation and also cooperate with the investigating agency in case he is required for the same in future as well.

In view of the above, the order dated 20.09.2021 granting interim bail to the petitioner is made absolute.

However, the petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C. He shall also join investigation as and when called upon to do so.

In case at any given point of time hereinafter, it is felt by the investigating agency that petitioner is required for the investigation but is not cooperating, they shall be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

February 08, 2022

harsha

(HARSIMRAN SINGH SETHI)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No