

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

CRM-M-39726-2021

Date of Decision:-07.02.2022

RAHUL GUPTA

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Mr. Pradeep Chhoker, Advocate
for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

KARAMJIT SINGH, J. (Oral)

Case has been heard through video conferencing on account of
COVID-19 Pandemic.

Present petition has been filed by the petitioner for grant of
anticipatory bail in case having FIR No.236 dated 5.8.2021 registered under
Section 20-B of NDPS Act (Section 27-A NDPS Act added later on) at
Police Station Dharuhera, District Rewari.

The counsel for the petitioner has submitted that the petitioner
has been falsely implicated in the present case, which is relating to recovery
of non-commercial quantity of '*Ganja*' from Harish @ Rohit, who is closely
related to the petitioner. The counsel for the petitioner further submitted that
main accused Harish @ Rohit has been released on regular bail and even the
petitioner has joined the investigation on the basis of the order of interim

bail passed by this Court. The counsel for the petitioner made prayer that the present petition be allowed.

The State counsel on the instructions of SI Sunder Lal admitted the fact that the petitioner has joined the investigation with the police on the basis of the order of interim bail and further stated that the petitioner is not required by the police for any custodial interrogation.

As per the allegations appearing on the record, on 5.8.2021 the police received secret information against Harish @ Rohit and 1.32 kg. of 'Ganja' was recovered from his possession. There are also allegations that Harish @ Rohit suffered disclosure statement and got recovered another 9.908 kg of 'Ganja' from the rented house of the petitioner and his mother Pooja. Petitioner is brother-in-law of Harish @ Rohit. It is a matter of evidence as to whether petitioner was having any connection with the aforesaid rented house. The petitioner has joined the investigation and is not required by the police for any custodial interrogation as has been stated by the State counsel.

In view of the matter, as the recoveries have already been effected, the present petition is allowed and the order of interim bail dated 26.10.2021 is hereby made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.

(KARAMJIT SINGH)
JUDGE

07.02.2022
Gaurav Sorot

Whether reasoned / speaking?	Yes / No
Whether reportable?	Yes / No