

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

Sr. No.210

CRM-M-35472-2020 (O&M)
Date of decision : 21.2.2022

Raj Kumar

.....Petitioner

VERSUS

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. GS Kaura, Advocate, for the petitioner

Mr.Karan Garg, AAG, Haryana

DEEPAK SIBAL, J. (ORAL)

Through the present petition filed under Section 438 Cr.P.C. the petitioner seeks anticipatory bail in FIR No.124 dated 13.5.2020 registered under Section 15/61/85 of NDPS Act at Police Station Hansi Sadar, District Hansi.

On 12.1.2021, this Court had passed the following order: -

“Learned counsel for the petitioner has submitted that in the present case the petitioner was not named in the FIR and there were two persons namely, Ranbir @ Kala and Jaibir @ Leelu who were apprehended at the spot and the alleged recovery of 10 kg and 200 gms of poppy husk was made from them. He has submitted that on the basis of the disclosure statement of the aforesaid accused, the petitioner was nominated in the wrongful manner. He has submitted that as per the law laid down by the Hon’ble Supreme Court the disclosure statement is not relevant and has to be discarded. He has further submitted that the petitioner has been roped in the present case only because of the fact that he was earlier falsely implicated in FIR No.241, dated 27.10.2020 wherein his name was nominated after 08 years. He has further submitted that even otherwise, the alleged recovery is of very small quantity and is not commercial quantity.

Learned State counsel prays for some time to seek further instructions.

Adjourned to 17.02.2021.

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

Learned State counsel submits that in pursuance to the afore quoted order the petitioner has joined the investigation; has cooperated with the investigating agency and that his custodial interrogation is not required by the State.

In the light of the reasons given in the afore quoted order and the statement made by learned counsel for the State as also for the reason that during the period the petitioner was on ad interim anticipatory bail, he did not misuse the same, the order of this Court dated 12.1.2021, granting ad interim anticipatory bail to the petitioner is made absolute.

It is further clarified that if the petitioner is found indulging in any criminal act or misusing the concession of bail granted by this Court, it would be open to the State to seek cancellation of the bail granted through this order by filing of an appropriate application before this Court.

21.2.2022

gsv

[DEEPAK SIBAL]
JUDGE

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