

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH.**

202

**CRM-M-41646-2021
Date of decision: 21.02.2022**

SEHBAJ

.....PETITIONER

Versus

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANT PARKASH

Present : Mr. Jagdish Manchanda, Advocate
for the petitioner.

Mr. Amreek Singh Narwal, DAG, Haryana
for the respondent-State.

SANT PARKASH, J. (ORAL)

(The case has been taken up for hearing through video conferencing.)

Prayer in this petition under Section 438 of the Code of Criminal Procedure, 1973 is for grant of anticipatory bail to the petitioner, in case, FIR No. 249 dated 26.06.2020 registered under Section 20 b (ii)(iii) of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Sector 10, District Gurugram.

While issuing notice of motion on 08.10.2021, Co-ordinate Bench of this Court granted interim anticipatory bail to the petitioner with direction to join the investigation. Relevant part of order dated 08.10.2021 reads as under :-

“Counsel for the petitioner contends that recovery of 112 kgs of *Ganja Patti* has been effected from co-accused, Kuldeep @ Sulli, who in his confessional statement, has named the petitioner as the supplier of the contraband. Counsel urges that the disclosure statements of the co-accused recorded in police custody is inadmissible in evidence. Still further, it is his submission that there is a dispute about the identity of the person named by co-accused, Kuldeep @ Sulli in his disclosure statement. He asserts that the petitioner, who has unblemished

antecedents, is ready to join the investigation and co-operate with the Investigating Agency.

Notice of motion.

On asking of the Court, Mr. Gurmeet Singh, AAG, Haryana accepts notice on behalf of respondent-State.

List on 21.02.2022

Meanwhile, the petitioner shall join the investigation and would appear as and when called for by the Investigating Officer. In the event of arrest, he shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. He shall also abide by the conditions as specified under Section 438 (2) Cr.P.C..”

I have heard learned Counsel for the parties and gone through the case file.

Learned Counsel for the petitioner has, while reiterating submissions made on 08.10.2021, submitted that in compliance with order dated 08.10.2021, the petitioner has joined the investigation and he may be granted anticipatory bail as his custodial interrogation is not required in the case.

Learned State Counsel has, on instructions from A.S.I. Anil, acknowledged that in compliance with order dated 08.10.2021 passed by this Court, the petitioner has joined the investigation and that his custodial interrogation in the present case is not required.

In view of the facts and circumstances of the case, particularly the fact that custodial interrogation of the petitioner is not required in the case but without expressing any opinion on the merits of the case, I am of the considered view that the petitioner deserve grant of anticipatory bail.

Therefore, the petition is allowed and order dated 08.10.2021 granting interim bail to the petitioner is made absolute.

However, the petitioner shall join the investigation as and when called

upon to do so and shall abide by the conditions enumerated in Section 438 (2) of the Cr.P.C., failing which the protection of anticipatory bail order shall not be available to him.

21.02.2022
kavneet singh

(SANT PARKASH)
JUDGE

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