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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.44941 of 2021 (O&M)
Decided on: 01.02.2022

Imran Hussain and another

....Petitioners

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. H.P.S. Ishar, Advocate
for the petitioners.

Mr. Deepak Grewal, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioners pray for grant of anticipatory bail in FIR No.281 dated 29.06.2021, registered under Sections 18, 27-A, 29 of the NDPS Act, (Sections 27-A and 29 of the NDPS Act added later) at Police Station Sadar Thanesar, District Kurukshetra.

The operative part of the order dated 28.10.2021, vide which interim anticipatory bail has been granted to the petitioners, is reproduced as under:-

“....Submits inter alia that no recovery was effected from the present petitioners and that their names have only transpired from the disclosure statements of co-accused namely Ramnish and Nitish Kumar Yadav from whom the actual contraband was recovered.

Notice of motion....”

Counsel for the petitioners has submitted that as per the allegations in the FIR, 2.6 Kgs of Opium was recovered from the possession of the co-accused Ramashish Kumar Yadav and Nitish Kumar Yadav. It is further submitted that later on, the petitioners were

CASE HEARD THROUGH VIDEO CONFERENCING

nominated in the case on the basis of the disclosure statement of the aforesaid 02 co-accused. Counsel for the petitioners has also argued that the petitioners are the first offenders and in pursuance to the order dated 28.10.2021, they have appeared before the Investigating Officer and joined the investigation.

Counsel for the State, on instructions from ASI Satish Kumar, has not disputed the aforesaid fact and submits that the petitioners are no more required for further investigation.

In view of the above, this petition is allowed and the interim bail granted to the petitioners vide order dated 28.10.2021 is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

(ARVIND SINGH SANGWAN)
JUDGE

01.02.2022
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Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No