

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-44921-2021 (O&M)
Date of Decision:-10.3.2022

Jasvir Singh @ Kala

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Keshav Pratap Singh, Advocate for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No. 143 dated 23.6.2021 under Section 17 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Kalanwali, District Sirsa.
2. At the time of issuance of notice of motion on 28.10.2021, the following order was passed :

“Learned counsel for the petitioner contends that he has falsely been implicated in the instant case and that no recovery whatsoever was effected from him. It has been submitted that as per the case of prosecution the police party apprehended one Manpreet Singh whose search yielded recovery of 350 grams of ‘Opium’. It is further the case of prosecution that upon inquiry the said Manpreet Singh disclosed that he had procured the said

contraband from petitioner-Jasvir Singh @ Kala, about 3 months back.

Learned counsel has further submitted that while the instant FIR was lodged on 23.6.2021, whereas the petitioner had been in custody since 16.4.2021 and was released on bail vide order dated 29.6.2021 (Annexure P-1) passed by this Court and that as such it is highly unlikely that petitioner was the supplier inasmuch as it remains unexplained as to why the co-accused Manpreet Singh was unable to sell any of the contraband ever since the last more than 2 months, when he had allegedly procured it from petitioner. Learned counsel has submitted that as per the disclosure statement (Annexure P-2), the co-accused Manpreet had purchased 500 grams of 'Opium' and that he had consumed 150 grams and that it was the remaining 350 grams which he was possessing.

Notice of motion for 10.3.2022.

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

3. Learned State counsel has informed that pursuant to interim directions issued by this Court, the petitioner has since joined investigation and is not required for any custodial interrogation. Learned State counsel has, however, informed that the petitioner stands involved in two other cases including one case under NDPS Act.
4. Having heard the learned counsel for the parties and bearing in mind the facts and circumstances of the case and also that the petitioner has already

joined investigation and is not required for any custodial interrogation, the petition is accepted and the interim directions issued by this Court vide order dated 28.10.2021 are hereby made absolute, subject to the condition that the petitioner shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

10.3.2022

kamal

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No