

203

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

CRM-M-47066-2021

Date of decision : 17.03.2022

Kuldeep

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Sandeep Kotla, Advocate for the petitioner.

Mr. Vikrant Pamboo, DAG, Haryana.

VIKAS BAHL, J. (ORAL)

Prayer in the present petition is for grant of anticipatory bail to the petitioner in FIR No.321 dated 03.08.2021 registered under Section 20 of the Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station Industrial Sector-29, Panipat.

On 12.11.2021, this Court was pleased to pass the following order:-

“Learned counsel for the petitioner inter alia contends that the alleged recovery has not been effected from the petitioner and the petitioner has been sought to be implicated only on the basis of disclosure statement of Bullet Kumar and Ravi, from whom the recovery has been effected. It is further submitted that the petitioner is not involved in any other case and even as per the disclosure statement, it

has been stated that the truck in question is stated to be under the ownership of the petitioner and one Ram Mehar, whereas, as per the Registration Certificate, which has been produced in the Court today and is taken on record as 'Mark-A', it is highlighted that it is Vikram, who is the registered owner of the truck in question. It is further submitted that in fact, 'Ganja patti' would not fall under the definition of Section 2(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985, so as to make it a narcotic drug.

Notice of motion.

On asking of the Court, Mr. Praveen Bhadu, AAG, Haryana, accepts notice on behalf of State of Haryana and has submitted that in pursuance of the order dated 10.11.2021, the investigation has been done. However, till date, there is no phone call details available between the petitioner and the accused persons from whom the alleged recovery has been effected, but, however, the investigation is still under way and the police authorities have applied for obtaining the call details.

Learned counsel for the State seeks an adjournment to verify the fact as to whether the said Vikram had further handed over/sold the truck to the petitioner or the co-accused.

Adjourned to 23.11.2021.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner 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.

To be heard alongwith CRM-M-45324-2021.”

Thereafter, on 10.02.2022, the following order was passed by this Court:-

“Learned State prays for an adjournment to verify as to whether accused Kuldeep and Ram Mehar are the owners of the vehicle in question or if there is any statement so as to link them with the said vehicle and also to verify as to whether phone calls were made by accused Kuldeep to Ravi and also by Ram Mehar to other co-accused, inasmuch as, it is the argument of learned counsel for the petitioner that there is nothing on record to show that the mobile number i.e. 87088- 54832 belongs to accused Kuldeep or 98960-45353 belongs to accused Ram Mehar.

Adjourned to 17.03.2022.

Interim order to continue.

A photocopy of this order be placed on the file of connected case”

In pursuance to the abovesaid order dated 10.02.2022, learned State Counsel has submitted that they have verified the details which had been mentioned in the said order and the statement of Narender has been recorded to the effect that he had purchased the vehicle in question from Vikram and had further sold it to Ram Mehar. However, there is no document/agreement, much less, a registered endorsement with respect to the said transfer and the vehicle in question, even today, stands in the name of the petitioner. It is further not in dispute that the said Vikram had got the superdari of the said vehicle in question. Even with respect to the telephone numbers belonging to the present petitioner, there is no ID to prove that said numbers are in the name of the petitioner. The petitioner is stated to have joined the investigation.

Keeping in view the abovesaid facts and circumstances moreso, the facts which have been noticed in abovesaid order dated 12.11.2021 and also the fact that it is a matter of debate as to whether the petitioner could be involved in the present case or not and the fact that that the petitioner has joined the investigation and is not required for further custodial interrogation, the present petition is allowed and the interim order dated 12.11.2021 is ordered to be made absolute.

However, nothing stated above shall be construed as an expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

17.03.2022*Pawan***(VIKAS BAHL)
JUDGE****Whether speaking/reasoned:-****Yes/No****Whether reportable:-****Yes/No**