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

**CRM-M-43646-2020
Date of decision-22.04.2022**

Anoop Kumar

...Petitioner

Vs.

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Satnam Singh Gill, Advocate,
for the petitioner.

Mr. Bhupender Sandhu, DAG Haryana.

MANOJ BAJAJ, J. (Oral)

Petitioner has approached this Court under Section 438 Code of Criminal Procedure to seek anticipatory bail in case FIR No.571 dated 05.10.2020 under Section 18 of the NDPS Act, 1985 (Later on added Section 29 NDPS Act, 1985) registered at Police Station Shahabad, District Kurukshetra who apprehends his arrest at the hands of Police.

Learned counsel for petitioner has argued that as per prosecution case, recovery of 91 grams of opium was effected from accused Harshdeep who was arrested on the spot and subsequently on his disclosure statement, another co-accused namely Harvinder Singh was implicated as an accused in this case. According to him, in the similar manner on the disclosure statement of Harvinder Singh, the petitioner has been indicted and therefore, the nature of evidence relied upon by the prosecution qua the

petitioner is comparatively weak. It is further submitted that pursuant to the order dated 19.03.2021, the petitioner has joined the investigation and co-operated during interrogation.

Learned state counsel assisted by ASI Satish while opposing the prayer does not dispute the sequence of implication of the petitioner, but on instructions states that the petitioner already stands convicted for a similar offence through judgment dated 10.06.2014 in case FIR No.324 dated 03.09.2010, under Sections 15, 18, 29, 25, 27-A of the NDPS Act, at Police Station Shahabad, District Kurukshetra.

Considering the above facts and without giving any expression on merits of this case, this Court is of the opinion that the custodial interrogation of the petitioner does not seem to be necessary.

Resultantly, the petition is allowed and the interim bail granted by this Court vide order dated 19.03.2021 is made absolute.

(MANOJ BAJAJ)
JUDGE

22.04.2022
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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No