

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

203

CRM-M-50757-2021

Date of Decision :14.02.2022

Rohit Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. K.L. Saini, Advocate for the petitioner.

Mr. Gaurav Bansal, AAG, Haryana.

Harsimran Singh Sethi, J. (Oral)

Petitioner is seeking anticipatory bail in FIR No.579 dated 14.11.2021 registered under Section 21(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station City Jind, District Jind.

Learned counsel for the petitioner submits that the petitioner has joined investigation in terms of the order passed by this Court on 06.12.2021. Order dated 06.12.2021 is as under:-

“The present petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail in FIR No.579 dated 14.11.2021, registered under Section 21(C) of NDPS Act, at Police Station City Jind, District Jind (Haryana).

Learned counsel for the petitioner argues that in the present case the petitioner was not named in the FIR and no recovery has been effected from him and the petitioner is roped in on the basis of disclosure statement of the co-accused. He further submits that even recovery from the co-accused is of non-commercial quantity and keeping in view the fact that no other case is pending against the petitioner and

the petitioner has falsely been roped in this case, and the petitioner is ready to cooperate with the investigation after joining the same, he may be granted the concession of anticipatory bail.

Notice of motion.

Mr. Sandeep Singh Deol, Deputy Advocate General, Punjab, who is present in the Court, keeping in view the service of advance copy of petition, accepts notice on behalf of the respondent-State.

Learned State counsel vehemently argues that the last call on the mobile phone of the co-accused was of the petitioner and even the 'Bullet' Motorcycle which was being used, belongs to the petitioner, hence it cannot be said that the petitioner is not involved in the present case.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

In the present case, no recovery has been effected from the petitioner and even recovery from the co-accused is of non-commercial quantity. The evidence, whether the petitioner is involved with the co-accused for violating the NDPS Act, will come only during the investigation and thereafter the trial and as of now, the petitioner is roped in the present case only on the basis of statement of the co-accused given before the police. Keeping in view the facts and circumstances of this case, the purpose of investigation can be achieved in case the petitioner is directed to join the investigation as he has undertaken to cooperate with the investigation.

As the petitioner has undertaken to join the investigation and co-operate with the same, he has made out a case for the grant of anticipatory bail.

Petitioner is directed to join the investigation forthwith.

In the event of his arrest, he shall be released on interim bail to the satisfaction of the Arresting Officer/Investigating Officer on his furnishing bail bonds/surety bonds to his/her satisfaction subject to the following conditions:

i) That he shall make himself available for interrogation by the police officer as and when required.

ii) That he shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the said facts to the

Court or to any police officer.

iii) That he shall not leave India without prior permission of the Court.

iv) That he shall abide by all the conditions as enshrined under Section 438(2) Cr.P.C.

Adjourned to 08.02.2022.

It is, however, made clear that after the petitioner join the investigation, in case any incriminating material comes against the petitioner, the respondent-State will be at liberty to file appropriate application seeking the custody of the petitioner in case, the same is needed.”

Learned State counsel on instructions from Inspector Dinesh, states that in terms of the order of this Court reproduced before, the petitioner has joined investigation and he is not required for further interrogation, at this stage.

In view of the above, the order dated 06.12.2021 passed by this Court granting interim bail to the petitioner is made absolute.

However, the petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C. He shall also join investigation as and when called upon to do so.

In case at any given point of time hereinafter, it is felt by the Investigating Agency that petitioner is required for the investigation but is not co-operating, it will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

February 14, 2022
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No