

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

CRM-M-52284-2021

Date of decision: 17.08.2022

Raj Kumar

...Petitioner

Versus

Central Goods and Service Tax Division, Rohtak

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Shivansh Malik, Advocate,
for the petitioner.

Mr. Surinder Kumar Daaria, Advocate for
Mr. Sharan Sethi, Standing Counsel,
for the respondent.

HARNARESH SINGH GILL, J. (ORAL)

Through this petition, the petitioner seeks anticipatory bail in case complaint bearing No. COMA/13/2020 dated 04.06.2020, registered under Sections 8, 21(c), 25, 29 and 65 of the NDPS Act, 1985, pending before the learned Sessions Judge, Rohtak.

On 12.05.2022, this Court passed the following order:

Through this petition, the petitioner seeks anticipatory bail in case complaint bearing No. COMA/13/2020 dated 04.06.2020, registered under Sections 8, 21(c), 25, 29 and 65 of the NDPS Act, 1985, pending before the learned Sessions Judge, Rohtak.

Learned counsel for the petitioner submits that the petitioner was the driver of the truck, from which the alleged contraband was recovered; that the petitioner had appeared before the investigating agency and got recorded his statement and also signed the same; that the petitioner slept in the truck on 23.10.2019 and had made a phone call to the owner of the said truck and that the owner of the truck, namely, Surender Kumar, has already been granted the concession of anticipatory bail by this Court on 07.12.2021, who thereafter, has furnished the bail/surety

bonds and is regularly appearing before the learned trial Court.

On the other hand, while opposing the prayer for grant of anticipatory bail to the petitioner, learned counsel for the respondent submits that there are three accused in the present case; that the petitioner was aware of the contraband loaded in the truck and that is why the petitioner did not sign the documents on 24.10.2019 and left the place.

Adjourned to 17.08.2022.

The petitioner, at one stage, has joined the investigation. The owner of the truck has already been enlarged on bail.

In view of the above, the petitioner is directed to appear before the learned trial Court within two weeks from today and upon his doing so, he shall be released on ad-interim anticipatory bail on furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate/CJM concerned.”

Learned counsel for the petitioner submits that pursuant to the aforesaid order, the petitioner has appeared before the trial Court and vide order dated 20.05.2022 passed by learned Addl. Sessions Judge, Rohtak, the petitioner has been released on interim anticipatory bail.

Learned State counsel does not dispute the aforesaid factual position.

In view of the above, without commenting on the merits of the case, the present petition is allowed and the order dated 12.05.2022 granting interim bail to the petitioner, is made absolute.

17.08.2022

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No