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

**CRM-M-49630-2022
Date of Decision: 24.11.2022**

Rajender Singh

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Ajay Arora Bharti, Advocate for
Ms. Divya Narula, Advocate
for the petitioner.

Mr. Ram K.Singla, DAG, Haryana.

HARSH BUNGER J. (ORAL)

Prayer in this petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in case FIR No.513 dated 08.10.2022, registered at Police Station Sadar, Sirsa.

On 25.10.2022, the following order was passed:-

“Interalia, contends that merely because on an earlier occasion there was false implication of petitioner in an FIR, wherein he was eventually acquitted, the same seems to have weighed on the mind of learned Sessions Court below while rejecting the anticipatory bail vide order dated 17.10.2022.

Learned counsel would contend that as far as other FIR is concerned, the contraband therein was

also not recovered from the petitioner and, in any case, it was merely 1 kilogram of poppy husk, way below the commercial quantity of 50 kilograms. She would further contend that it appears to be a case of personal vendetta, inasmuch as, having failed on earlier two occasions, yet again in the FIR in question, petitioner has been falsely implicated. That too, on the basis of custodial investigation of the prime accused from whom non-commercial quantity of the contraband (8.5 kilograms of dodha/poppy husk) was recovered. He further submits that in the instant case also, neither the petitioner was there on the spot nor any recovery has been made from him.

Notice of motion.

On advance service of copy of the petition, learned State counsel appears and accepts notice on behalf of State of Punjab and seeks time to get instructions.

Adjourned to 24.11.2022.

In the meantime, till the next date of hearing, no coercive steps against the petitioner shall be taken subject to the petitioner making himself available, as and when called upon by the Investigation Officer to join the investigation.”

Learned counsel for the petitioner *inter alia* contends that pursuant to the order dated 25.10.2022 passed by this Court, the petitioner has joined investigation and his custodial interrogation is not required for investigation of the case.

Learned State counsel, on instructions from SI Tara Chand, corroborates the said averment and submits that the petitioner has joined the investigation and his custodial interrogation is not required for the purpose of investigation.

Heard learned counsel for the parties.

Since the petitioner has been implicated on the basis of disclosure statement of Manjit Singh @ Meeta and the petitioner has joined the investigation, accordingly the present petition is allowed and the interim order dated 25.10.2022 passed by this Court is made absolute, subject to the conditions that he shall abide by the terms and conditions laid down under Section 438(2) Cr.P.C. and at the time of his release, Station House Officer, Police Station Sadar, Sirsa shall be informed. Further, the petitioner shall furnish his mobile number to the SHO concerned, keep his mobile's location on and also appear in the concerned Police Station on every alternate Monday till the conclusion of the trial.

The petition is accordingly disposed of.

24.11.2022*Apurva***(HARSH BUNGER)****JUDGE**

1. Whether speaking/reasoned : Yes/No

2. Whether reportable : Yes/No