

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

CRM-M-54048-2021

Date of Decision: 28.02.2022

Angrej Singh

.....Petitioner

Vs.

State of Haryana

....Respondent

CORAM : HON'BLE MR.JUSTICE AMOL RATTAN SINGH

Present: None for the petitioner.

Mr. Manish Dadwal, AAG, Haryana.

AMOL RATTAN SINGH, J. (Oral)

Case heard *via* video conference.

On 23.12.2021, the following order was passed by this court:-

“Case heard by video conferencing.

By this petition, the petitioner seeks the concession of 'anticipatory bail' under the provisions of Section 438 Cr.P.C., upon FIR No.217, dated 30.11.2021, having been registered at Police Station City Ding, District Sirsa, alleging therein the commission of an offence punishable under Section 15(b) of the Narcotics and Psychotropic Substances Act, 1985.

Learned counsel for the petitioner submits that the only allegation against the petitioner is on the basis of a disclosure statement allegedly made in police custody by his co-accused Rajpal, from whom 40 kgs of poppyhusk are stated to have been recovered; and that the petitioner has been implicated on the basis of the phone calls exchanged between him and Rajpal (as per the investigating agency).

Notice of motion.

Mr. Munish Sharma, AAG Haryana, accepts notice at the asking of the Court.

A copy of the paper book be supplied to him during the course of the day. Adjourned to 28.02.2022.

In view of the aforesaid fact, as also the fact that the poppy husk stated to have been recovered from the co-accused of the petitioner is below commercial quantity, the petitioner is directed to join investigation within one week and if, upon him so joining, he is sought to be arrested, he shall be released on interim bail, upon his furnishing adequate bail and surety bonds to the satisfaction of the arresting officer/Duty Magistrate, till the next date of hearing.

He shall also comply with all conditions stipulated in Section 438(2) of the Cr.P.C.

If the arresting officer does not join the petitioner in investigation, he would appear before the learned Ilaqa Magistrate immediately, who would then summon the arresting officer and direct him to join the petitioner in investigation, in terms of the order of this Court.”

Today, learned State counsel submits, on instructions ASI Ajit Singh, that the petitioner has joined investigation though there are other criminal cases also registered against him.

Even so, looking at the fact that as regards the case in question the quantity of poppy husk as is alleged to have been recovered, upon a disclosure statement allegedly made in police custody, is non-commercial quantity, without making any comment on the actual merits thereof, the petition is allowed with the order dated 23.12.2021, made absolute on the same terms and conditions.

February 28, 2022

dharamvir//

**(AMOL RATTAN SINGH)
JUDGE**

Whether speaking/reasoned : YES
Whether Reportable : NO