

2023:PHHC:083110

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

CRM-M-5386-2023

Date of decision : 03.07.2023

Niyamat @ Yamat Ali

..... Petitioner

versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Rohit Choudhary, Advocate
for the petitioner.

Mr. Ashok Kumar Sehrawat, DAG, Haryana.

PANKAJ JAIN, J. (Oral)

While issuing notice of motion, following order was
passed:-

“Prayer in the present petition is for grant of anticipatory bail to the petitioner in FIR No.46, dated 09.02.2022, under Section 20(b)(ii)(C) (Act No.61) of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Punhana, District Nuh.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case merely on the basis of disclosure statement of co-accused Satpal. He further contends that the recovery of contraband i.e., 113 kg 170 grams of poppy-husk was effected from the room of the co-accused Satpal and not from the possession of the present petitioner.

Notice of motion.

On the asking of Court, Mr. Gagandeep Singh Chhina, AAG, Haryana accepts notice on behalf of the respondent-State, who submits that the co-accused Satpal

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has specifically stated in his disclosure statement that the petitioner is the supplier of the contraband, though, admits candidly that nothing was recovered from the possession of the petitioner in any manner as the whole recovery was effected from the room of the co-accused Satpal.

Looking into the totality of facts and circumstances and also the fact that nothing was recovered from the possession of the petitioner as the whole recovery was effected from the room of the co-accused Satpal and the petitioner is on bail in other case, which is pending against him, as such, the petitioner is directed to be released on interim bail subject to the satisfaction of Arresting Officer/Investigating Officer, on his joining investigation as and when called for and cooperate in investigation and also shall abide by the conditions as envisaged under Section 438 (2) Cr.P.C.

Adjourned to 03.07.2023.”

2. Today, learned State counsel has stated that pursuant to the order dated 02.02.2023, the petitioner has joined investigation and is no longer required for custodial interrogation.
3. In view of above, the interim order dated 02.02.2023 passed by this Court is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.
4. Petition stands disposed off.

(PANKAJ JAIN)
JUDGE

03.07.2023
Dinesh

Whether speaking/reasoned : Yes

Whether Reportable : No