

2023:PHHC:073555

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

Sr. No.224

CRM-M-14660-2023

Date of Decision: 19.05.2023

BABLU

.... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Ms. Ishita Jain, Advocate
for Mr. Namit Khurana, Advocate
for the petitioner.

Mr. Gaurav Bansal, DAG, Haryana.

HARKESH MANUJA, J. (ORAL)

This petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case bearing FIR No.59 dated 26.02.2021, under Section 20 NDPS Act, 1985, registered at Police Station Sadar, Gohana (Sonapat).

On 23.03.2023, this Court passed the following order:-

“Learned counsel for the petitioner inter alia submits that the petitioner was implicated in the FIR in question, based on disclosure statement made by Sahab Singh. He further submits that initially Sahab Singh named one Khan Bhai while making his disclosure on 26.02.2021 whereas after 2 days that is 28.02.2021, he took somersault by withdrawing the name of Khan Bhai while implicating the petitioner. Learned counsel also submits that alleged recovery in the present case from Sahab Singh is of non-commercial quantity (11kg and 41 gms ganja). Learned counsel further places reliance upon judgment passed by this Court in CRM-M55539-2022 dated 06.12.2022 titled as “Vijay Singh Vs. State of

*Haryana” and order dated 20.01.2023 passed in CRM-M-58-2023 titled as **Abhishek Vs. State of Haryana.**”*

*On the other hand, learned counsel opposes the prayer made by petitioner while submitting that petitioner is also involved in two other cases of NDPS out of which one pertains to commercial quantity wherein his prayer for grant of anticipatory bail was declined by this Court vide judgment dated 23.12.2022 passed in CRM-M-60570-2022 titled as “**Bablu Vs. State of Haryana**”. Although he submits that in the second case, the petitioner was granted concession of interim bail by this Court vide order dated 20.20.2023 passed in CRM-M-60787-2022 titled as “**Bablu Vs. State of Haryana**”.*

Learned counsel for State has not been able to controvert the fact that all the three cases against the petitioner are based on disclosure made by the co-accused and admittedly no recovery has been affected from him.

*I have heard learned counsel for parties at length. Considering the fact that the petitioner was implicated in the present FIR on the basis of disclosure made by Sahab Singh who initially named one Khan Bhai though retracted later and named the petitioner. All the three cases against the petitioner are based on disclosure and the alleged recovery in the present case is of non-commercial quantity. More than that the petitioner has already been granted concession of interim bail vide order dated 20.02.2023 passed in CRM-M-60787-2022 titled as “**Bablu Vs. State of Haryana**” and the factum of his implication in the third pertaining to recovery of commercial nature also finds mention therein.*

Notice of motion for 19.05.2023.

In the meanwhile, petitioner will join investigation before the Investigating Officer as and when called. In the event of his arrest, the Arresting Officer would admit him to interim bail, till the next date of hearing, on his furnishing adequate bail and surety bonds to his satisfaction. The petitioner is also directed to abide by all the conditions as envisaged under Section 438(2) of Code of Criminal Procedure, 1973.”

Learned counsel for the petitioner submits that the interim bail granted to the petitioner in the other case vide CRM-M-60787-2022 already stands confirmed in the pursuance to the order dated 09.05.2023 and the same is reproduced hereunder:-

“The instant petition has been filed under Section 438 of Cr.P.C. for grant of anticipatory bail to the petitioner in the event of arrest in FIR No.333 dated 30.06.2021 registered under Sections 20-B/25/29/61/85 of NDPS Act at Police Station Sector 32/33, Karnal District Karnal.

Learned counsel appearing for the petitioner contends that on the directions of this Court, the petitioner has joined investigation and is no more required for further investigation in the present case. It has also been stated that nothing is to be recovered from him.

Learned State counsel on instructions from SI Chandeswar, submits that the petitioner has joined the investigation, without commenting on the merits of the case, the petition is allowed and order dated 20.02.2023 granting interim bail to the petitioner is made absolute subject to the conditions laid down in Section 438 Sub Section 2 Clauses (i)(ii) and (iii) of the Code of Criminal Procedure.”

On instructions from ASI Balwinder Singh, learned State counsel submits that the petitioner has joined the investigation on 28.04.2023 and is no more required for further investigation in the present case. In view thereof the order dated 23.03.2023 is confirmed and the present petition is allowed.

(HARKESH MANUJA)
JUDGE

19.05.2023

M.Sikka

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No