

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

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CRM-M-24107-2022 (O&M)
Date of Decision: 31.07.2023

Sandeep Kumar

....Petitioner

Versus

State of Haryana

....Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: None for the petitioner.

Mr. Baljinder Singh Virk, Sr. DAG, Haryana.

AMAN CHAUDHARY, J.

1. On 30.05.2022, this Court had passed the following order:-

“The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered against him vide FIR No. 476, dated 10.5.2022, Police Station Shahabad, District Kurukshetra, under Sections 18 and 29 of NDPS Act.

The FIR in question was lodged on the basis of secret information received against one Chhabeg Singh to the effect that he indulges in sale of ‘Opium’. Pursuant to receipt of said information the police was able to apprehend aforesaid Chhabeg Singh and from whose possession 50 grams of ‘Opium’ was recovered. It is further the case of prosecution that during the course of interrogation he disclosed that he had procured 55 grams of ‘Opium’ from petitioner-Sandeep Kumar.

Learned counsel for the petitioner submits that he was never arrested at the spot nor any recovery was ever effected from him and has been nominated on the basis of disclosure statement which would not carry any evidentiary value. It has further been submitted that in any case the recovered contraband would fall in the category of ‘non-commercial quantity’.

Notice of motion for 12.10.2022.

Meanwhile, in the event of arrest, the petitioner be released on interim bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon

to do so and cooperate with the Arresting/Investigating Officer and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.”

2. Learned State counsel, on instructions from SI Sushil Kumar, affirms the factum of joining the investigation by the petitioner and cooperating with the investigating agency. He also submits that at this stage, the petitioner is not required for further custodial interrogation.
3. In view of the above and without expressing any opinion on the merits of the case, anticipatory bail petition filed by the petitioner is allowed and the order dated 30.05.2022 granting interim bail to him, is hereby made absolute, subject to compliance of conditions as specified under Section 438(2) Cr.P.C.
4. However, it is made clear that if the petitioner fails to join and cooperate with the investigating agency as and when required, the State would be at liberty to move an application for cancellation of the present anticipatory bail granted to him.

31.07.2023
ashok

(AMAN CHAUDHARY)
JUDGE

Whether reasoned/speaking: Yes/No

Whether reportable: Yes/No