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

CRM-M-31768-2022 (O&M)
Date of Decision: 13.03.2023

Rawal Ram

....Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Mr. S.K. Bishnoi, Advocate for
for the petitioner.

Mr. Amrik Narwal, DAG, Haryana.

HARSH BUNGER, J. (Oral)

CRM-10957-2023

The present application is filed for placing on record the photocopy of order dated 29.03.2022 as Annexure P-5.

For the reasons mentioned in the application, the same is allowed and Annexure P-5 is taken on record, subject to all just exceptions.

CRM-M-31768-2022

Prayer in the present petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail in case FIR No.458 dated 25.12.2021, under Section 15 of Narcotic Drugs and Psychotropic Substances Act, 1985 (offence under Section 29 of the NDPS Act added later on), registered at Police Station Dabwali Sadar, District Sirsa, Haryana.

On 25.07.2022 the following order was passed by a co-ordinate

Bench of this Court :-

“The petitioner has approached this Court under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail in case FIR No.458 dated 25.12.2021 under Section 15 of the Narcotic Drugs & Psychotropic Substances Act, 1985 (the offence under Section 29 of the NDPS Act was added later on), registered at Police Station Dabwali Sadar, District Sirsa.

Learned counsel appearing on behalf of the petitioner inter alia contends that co-accused Chamandeep Singh was arrested on 25.12.2021 with conscious possession of 80 kgs. of poppy husk. He further contends that the said co-accused had made a disclosure statement through the police station that he has allegedly purchased the said contraband from the petitioner. He also contends that there is no evidence to link the petitioner with the said co-accused and he also does not suffer from any criminal antecedents. As a matter of fact, he is a resident of Rajasthan and constructed a hotel which was given on lease to Bakhtaur Singh @ Awtar Singh. A rent agreement was also executed in this regard. It is only on the strength of the fact that the petitioner is owner of the said land where the hotel is constructed, the petitioner has been nominated as an accused in the case. Notwithstanding that the petitioner is carrying on any operation of the same. He further undertakes to join the investigation as and when required to do so by the Investigating Agency.

Notice of motion.

Mr. Ashish Yadav, Addl. A.G., Haryana, who is present in the Court accepts notice on behalf of the respondent-State.

To come up for further consideration on 29.08.2022. To be heard along with CRM-M-13256-2022 (Chamandeep Singh Versus State of Haryana).

In the meanwhile, the petitioner is directed to join investigation as and when so required by the Investigating Agency. In the event of petitioner joining investigation, he shall be admitted to interim bail by the arresting officer/investigating officer on furnishing of bail bonds by him to the satisfaction of the arresting officer/investigating officer. The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C.”

Learned counsel for the petitioner submits that pursuant to the aforesaid order, the petitioner has joined the investigation.

Learned State counsel on instructions from SI Jagraj Singh has

not disputed the aforesaid fact of joining of investigation by the petitioner

and submits that his custodial interrogation is not required at this stage.

Heard learned counsel for the parties.

Since the petitioner has joined the investigation and his custodial interrogation is not required at this stage, the present petition is allowed and the ad-interim order dated 25.07.2022 passed by the Co-ordinate Bench of this Court is made absolute.

However, the petitioner shall continue to join the investigation as and when required to do so and abide by all the conditions laid down under Section 438(2) Cr.P.C.

It is made clear that if the petitioner fails to comply with any of the bail conditions laid down under Section 438(2) Cr.P.C, the State would be at liberty to move an application for cancellation of this anticipatory bail granted to the petitioner.

Nothing expressed here-in-above shall be construed to be an observation on merits of the case and the facts and circumstances recorded above are only for consideration of the prayer for anticipatory bail at this stage.

The petition is accordingly disposed of.

13.03.2023

Himani

**(HARSH BUNGER)
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No