

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

205

CRM-M-39677-2022

Date of decision: 28.07.2023

Chander Mohan

..Petitioner

Versus

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. DS Virk, Advocate for the petitioner.

Mr. Jagdish Manchanda, Addl. AG, Haryana.

AMAN CHAUDHARY, J.

1. On 22.02.2023, this Court had passed the following order:-

“Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case and nothing is to be recovered from him.

Learned State counsel opposes the bail application on the ground that one more FIR under the NDPS Act is pending against the present petitioner whereas, learned counsel for the petitioner submits that in that case he is on bail.

List on 11.05.2023.

Meanwhile, in the event of arrest, the petitioner is ordered to be released on interim bail on 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 shall abide by the conditions as provided under Section 438(2) Cr.P.C.”

2. Learned counsel contends that the name of the petitioner surfaced based on the disclosure statement of co-accused Navjot @ Jyoti from whom non commercial quantity of contraband, it being 7 grams of heroin was recovered. He has been falsely implicated in this case. The petitioner is involved in one more case under NDPS Act that involves small quantity of 3.30 milligram of heroin wherein he is on bail. He relies on the judgments passed by Hon’ble The Supreme Court in the case of **Tofan Singh Vs. State of Tamil Nadu**, 2021 (1) RCR

(Criminal) and **Vijay Singh vs. State of Haryana**, SLP (Crl.) 1266/2023 dated 17.05.2023, wherein the petitioner, who was involved on the basis of disclosure statement, the recovery being 1.7 kg. of Poppy Straw (Doda Post) and involvement in one more case under the NDPS Act, was granted anticipatory bail, which was dismissed by a coordinate of this Court. He submits that in pursuance of the afore-mentioned order, the petitioner has not only joined investigation but also fully cooperated with the investigating agency. He further submits that in case the investigating agency requires the petitioner to appear, he shall make himself available without demur.

3. Learned State counsel 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.

4. 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 22.02.2023 granting interim bail to him, is hereby made absolute, subject to compliance of conditions as specified under Section 438(2) Cr. P.C

5. 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.

28.07.2023
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(**AMAN CHAUDHARY**)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No