

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

209

CRM-M-46241-2022 (O&M)

Date of decision: 08.05.2023

Narender Kumar

....Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. D.S. Virk, Advocate for the petitioner

Mr. Praveen Bhadu, AAG Haryana

AMAN CHAUDHARY. J.

1. On 10.10.2022 this Court had passed the following order:-

“The petitioner seeks grant of anticipatory bail in respect of a case registered vide FIR No.398 dated 14.08.2022 at Police Station Rania, District Sirsa, under Sections 2/29/61/85 of the NDPS Act.

As per the case of the prosecution, one Modan Singh was arrested by the police party while he was going on a motor-cycle and whose search yielded recovery of 112 gms. of ‘heroin’. It is further the case of the prosecution that during interrogation, said Modan Singh disclosed that the recovered ‘heroin’ had been supplied to him by Babbu and by one Sukhdev Singh and that the profit was to be shared by all of them equally.

Learned counsel for the petitioner submits that he is neither named in the FIR nor in the disclosure statement of the co-accused Modan Singh and has been nominated as an accused subsequently on the premises that there were some bank transactions between Modan Singh and the petitioner. Learned counsel has further submitted that since the petitioner is closely related to Modan Singh, the transactions amongst them cannot be inferred to be transactions for the purpose of any drug trafficking and were routine transactions amongst relatives.

Notice of motion for 28.03.2023.

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 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.

It is clarified that aforesaid order shall enure offence under Section 27-A of the NDPS Act as well.”

2. Learned counsel submits that in pursuance of the aforesaid order, the petitioner has not only joined investigation but also fully cooperated with the investigating agency. He further submits that the petitioner is not involved in any other case and in case the investigating agency requires him to appear, he shall make himself available without demur.

3. Learned State counsel on instructions from ASI Ramphal affirms the factum of joining the investigation by the petitioner and cooperating with the investigation agency as also that he is not involved in any other case. 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 10.10.2022 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 investigation 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.

(AMAN CHAUDHARY)
JUDGE

08.05.2023

S.Sharma(syr)

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No