

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

208

CRM-M-46293-2022
Date of decision: 19.09.2023

Sombir

..Petitioner

Versus

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

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

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

AMAN CHAUDHARY, J.

1. On 21.11.2022, this Court had passed the following order:-

“CRM-43893-2022

XXXXXX

Main case

Prayer is for grant of anticipatory bail to the petitioner in criminal case having FIR No.299 dated 15.9.2022 registered under Sections 15/61/85 of NDPS Act at Police Station Nathusari Chopta, District Sirsa.

Counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and as per prosecution version, two persons who were traveling in a car were signaled to stop by the police but both the said occupants of the car succeeded in escaping after leaving behind the car and on checking, two plastic bags each containing 20 kg. of poppy husk were recovered from said car. He further submits that the petitioner is having no connection with said recovery of contraband or the car from which the said contraband is stated to be recovered and that the petitioner is having no criminal history and the petitioner is ready to join the investigation.

Notice of motion.

Mr. Naveen Kumar Sheoran, DAG, Haryana accepts notice on behalf of the State and on instructions

from PSI Lalit Kumar has not disputed the fact that 40 kg. of poppy husk was recovered from the car which was left behind by two of its occupants when they were signaled to stop by the police. Even the fact that the petitioner is having no criminal history is also not refuted by the State counsel. State counsel prays for time to seek necessary instructions regarding ownership of the aforesaid car which was bearing No.HR13-F-5459. The aforesaid 40 kg. of poppy husk comes under non-commercial quantity and further the petitioner is having no criminal antecedents.

Now be listed on 15.2.2023.

In the meantime, in case of arrest, the petitioner is directed to be released on interim bail by the IO/Arresting Officer to his own satisfaction till the next date of hearing. The petitioner should join the investigation with the police well in time before the next date of hearing and is to abide by the conditions as envisaged under Section 438(2) of Cr.P.C. ”

2. Learned counsel submits that in pursuance of the aforementioned 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 on instructions 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 any 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 21.11.2022 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 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.

19.09.2023
Ankur

(AMAN CHAUDHARY)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No