

209 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-44133-2023
Date of decision: 16.11.2023

VIRENDER KUMAR @ BINDER

...PETITIONER

V/S

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present: Mr. L.S. Sekhon, Advocate for the petitioner.

Mr. Randhir Singh, Addl. A.G., Haryana.

DEEPAK GUPTA J. (ORAL)

On 19.09.2023, the following order was passed by this Court:-

“By way of this petition filed under Section 438 Cr.P.C., prayer has been made for grant of anticipatory bail in case FIR No.196 dated 23.07.2023 registered under Sections 15 and 29 of NDPS Act, 1985 at Police Station City Pehowa, District Kurukshetra.

Two kg. of poppy husk was recovered from the possession of coaccused Gaini Ram, who in his disclosure statement nominated the petitioner to be supplier.

The bail petition was opposed by learned State Counsel earlier on the ground that the petitioner was involved in two more cases and that while granting bail to him in case FIR No.131 dated 11.06.2020 by this Court in CRM-M-48206 of 2022 (O&M), one of the condition was that petitioner shall not commit any similar offence.

Today, status report by way of affidavit of Shri Rajat Gulia, HPS, DSP, Pehowa has been filed on behalf of the respondent- State, accompanied by copy of the disclosure statement of the co-accused Gaini Ram and the call detail record.

Learned State Counsel submits that there was regular conversation between the petitioner and the co-accused.

However, learned counsel for the petitioner has drawn attention towards the fact that as per the disclosure statement of co-accused Gaini Ram, he had met the petitioner for the first time in

2022 in Ajmer Sharif Dargah in Rajasthan. Learned counsel also drawn attention of this Court towards order dated 12.01.2023 passed by co-ordinate Bench of this Court in CRM-M-48206 of 2022 (O&M) (Annexure P.3) whereby petitioner was allowed bail in case FIR No.131 dated 11.06.2020 registered at Police Station Sadar Narwana, District Jind under Section 15 of the NDPS Act which clearly records that petitioner was in custody since 11.06.2020. Learned counsel contends that as the petitioner was in custody since 11.06.2020 and had been allowed bail in CRM-M-48206 of 2022 (O&M) on 12.01.2023, there could no question of meeting the petitioner with co-accused Gaini Ram as is mentioned in his disclosure statement.

Having regard to the facts and circumstances as above, the case is adjourned to 16.11.2023 and in the meantime, in case of his arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting Officer/ Investigating Officer. However, it is further directed that the petitioner shall join the investigation as and when so required by the Investigating Officer. He shall not contact any person associated with the case to dissuade him from the investigation in any manner whatsoever and nor shall leave the country without prior permission of the Court. He shall further comply with the conditions stipulated in Section 438(2) Cr.P.C.”

Today, on instructions, learned State counsel has informed this Court that the petitioner has joined the investigation, in compliance of the order dated 19.09.2023 and is no longer required for further investigation.

In view of the aforesaid, the order dated 19.09.2023, whereby the petitioner was granted interim anticipatory bail, is hereby made absolute. However, he shall continue to join investigation, if and so required by the Investigating Officer.

Disposed of.

November 16, 2023
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(DEEPAK GUPTA)
JUDGE

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|------|---------------------------|--------|
| (i) | Whether speaking/reasoned | Yes/No |
| (ii) | Whether reportable | Yes/No |