

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

208-a

CRM-M-55954-2022

Date of decision: 19.09.2023

Amit

..Petitioner

Versus

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. Dheeraj Narula, Advocate for the petitioner.

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

AMAN CHAUDHARY, J.

1. On 02.12.2022, this Court had passed the following order:-

“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 of NDPS Act at Police Station Nathu Sarai Chopta, District Sirsa.

Counsel for the petitioner *inter alia* contends that the petitioner who is having no criminal history, has been falsely implicated in the present case; that as per prosecution version, two persons who were traveling in a car were signaled to stop by the police but they succeeded in escaping after leaving behind the car and on checking, two plastic bags each containing 20 kg. of poppy husk were found from the said car. He further submits that the petitioner is having no connection with the said recovery of contraband and further submits that similarly situated co-accused Sombir has been granted the concession of interim bail by this Court vide order dated 21.11.2022 (Annexure P-4).

Notice of motion.

Ms. Harpreet Kaur, AAG, Haryana. accepts notice on behalf of the State and on instructions from PSI Lalit Kumar has not disputed the fact that at the time of recovery of 40 kg. of poppy husk from the car, no one was arrested at the spot. State counsel has further not disputed the fact that co-accused-Sombir has been

given benefit of interim bail by this Court vide order Annexure P-4.

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 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 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 02.12.2022 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