

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

209

CRM-M-5440-2024
Date of decision: 03.04.2024

RAJBIR

....Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Rajesh Nain, Advocate
for the petitioner.

Mr. Abhinash Jain, DAG, Haryana.

KULDEEP TIWARI. J.(Oral)

1. On the last date of hearing i.e on 02.02.2024, the following order was passed:-

"1. Through the instant petition, as instituted under Section 438 of the Cr.P.C., the petitioner has sought the concession of anticipatory bail, in case FIR No.06 dated 08.01.2024, under Section 20 of the N.D.P.S. Act (Section 27-A of the N.D.P.S. Act added subsequently), registered at P.S. Sadar Narwana, District Jind.

2. The genesis of the prosecution case is embodied in a secret information, which resulted in the recovery of 455 grams Charas from coaccused Suresh Kumar. Consequent upon arrest of co-accused Suresh Kumar, he suffered a disclosure statement on 09.01.2024, deposing therein that, he had purchased 500 grams Charas, on 01.01.2024, from some unknown person at Haridwar, for a sum of Rs.25,000/-. Thereafter, on 10.01.2024, co-accused Suresh Kumar again suffered a disclosure statement, disclosing therein that, he had purchased 500 grams Charas from Rajbir (present petitioner), for a sum of Rs.25,000/-.

3. The learned counsel for the petitioner submits that neither the name of the petitioner reflects in the FIR, nor any role whatsoever has been assigned to him therein. The only piece of evidence, which constitutes

the bedrock for the investigating agency to arrest the petitioner, is the disclosure statement of co-accused Suresh Kumar, and that too his second disclosure statement, which cannot be considered as a legal evidence. Nonetheless, the vivid variance in both the disclosure statements of the co-accused Suresh Kumar render the same unworthy of being assigned any credence.

4. Lastly, the learned counsel for the petitioner submits that, except case(s) registered under the provisions of the I.P.C. and the Excise Act, the petitioner is not involved in any other case under the N.D.P.S Act.

5. Notice of motion for 03.04.2024.

6. Mr. Bhupender Singh, D.A.G., Haryana, accepts notice on behalf of respondent-State of Haryana.

7. In the meantime, the petitioner is directed to join the investigation and to appear before the investigating agency, as and when called upon to do so. In the event of his arrest, he shall be admitted to interim bail on his furnishing bail bonds to the satisfaction of the Arresting/Investigating Officer. The petitioner shall abide by the terms and conditions as envisaged under Section 438(2) Cr.P.C."

2. Learned counsel for the petitioner submits that in pursuance of the order dated 02.02.2024, the petitioner had joined the investigation.
3. Learned State counsel, on instructions from the ASI Sandeep, submits that the petitioner had joined the investigation and he is not required for any further custodial interrogation.
4. In view of the statement made by learned State counsel, the interim order dated 02.02.2024, is hereby made absolute.

03.04.2024
amandeep

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned. : Yes/No

Whether Reportable. : Yes/No