

2024:PHHC:049434

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

212

CRM-M-11385-2024
Date of Decision : April 10, 2024

TARSEM SINGH ALIAS SEMIPetitioner
VERSUS
STATE OF HARYANARespondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. R.S.Sidhu, Advocate for the petitioner.
Mr. Abhinash Jain, DAG, Haryana.

KULDEEP TIWARI, J. (Oral)

1. On the last date of hearing, i.e. 4.3.2024, 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.47 dated 01.02.2024, under Section 17B/61/85 of the N.D.P.S. Act, 1985, registered at P.S. Kalanwali, District Dabwali.

2. 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, from whom the alleged recovery of 01 kg 260 grams opium was effected, and as such, his disclosure statement cannot be taken into consideration. Nonetheless, since the allegedly recovered contraband falls under “intermediate quantity”, therefore, in the absence of any cogent incriminatory material against the petitioner, he deserves the concession of anticipatory bail.

3. *Lastly, the learned counsel for the petitioner submits that, except the present FIR, the petitioner is not involved in any other case.*
4. *Notice of motion for 10.04.2024.*
5. *Mr. Bhupender Singh, D.A.G., Haryana, accepts notice on behalf of respondent-State of Haryana.*
6. *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. Today, the learned State counsel on instructions imparted to him by ASI Rohtash, submits that the petitioner has already joined the investigation and he is fully co-operating with the investigation process and he is not required for any further custodial investigation.
3. In view of the specific stand taken by the learned State counsel, the present petition is **allowed** and order dated 4.3.2024 is, hereby, made absolute subject to the condition that the petitioner shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

April 10, 2024
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(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No