

Kalu Ram
State of Haryana

versus

...Petitioner
...Respondent

Present: Mr. Himanshu Garg, Advocate for Mr. Aditya Sanghi,
Advocate for the petitioner.

FIR No.	Dated	Police Station	Sections
117	29.03.2023	Dabwali Sadar, District Sirsa, Haryana.	15(C) of Narcotic Drugs and Psychotropic Substances Act No.61 of 1985.

[1] The petitioner seeks grant of anticipatory bail in respect of
aforementioned FIR.

[2] At the time of issuance of notice of motion on 21.03.2024, the following order was passed:

“ The instant petition has been filed under Section 438 of the Code of Criminal Procedure (hereinafter referred to as Cr.P.C) for grant of anticipatory bail to the petitioner in FIR No.117 dated 29.03.2023 registered under Section 15 (C) of the NDPS Act at Police Station Dabwali Sadar, District Sirsa, Haryana.

Learned counsel for the petitioner contends that admittedly 52 kgs of poppy husk has been recovered from three co-accused. The petitioner is not named in the FIR and nothing has been recovered from his conscious possession. The petitioner is nominated as an accused in the present FIR on the basis of disclosure statement suffered by the co-

accused, which has no evidentiary value in the eyes of law. The petitioner is having clean antecedents as he is not involved in any other case.

Notice of motion.

On the asking of the Court, Ms. Geeta Sharma, DAG, Haryana, who is present in Court, accepts notice on behalf of the respondent-State and opposes the prayer for grant of anticipatory bail to the petitioner.

In the meantime, keeping in view the law enunciated by the Hon'ble Supreme Court in Satender Kumar Antil Vs. CBI (2022) 10 SCC 51; Siddharam Satlingappa Mhetre Vs. State of Maharashtra and others 2010 SCC OnLine SC 137; Gurbaksh Singh Sibbia etc. Vs. State of Punjab (1980) 2 SCC 565, Arnesh Kumar Vs. State of Bihar (2014) 8 SCC 273 and Sushila Aggarwal Vs. State of NCT Delhi 2020 (1) RCR (Criminal) 833, at the first instance, petitioner is directed to appear before the Investigating Officer on or before 28.03.2024 and on his doing so or in the event of arrest, petitioner shall be admitted to interim bail on furnishing of bail/surety bond to the satisfaction of the Investigating/Arresting Officer. The petitioner shall cooperate with the Investigating Officer and abide by the conditions as provided under Section 438 (2) Cr.P.C.

If the Investigating/Arresting Officer does not permit the petitioner to join the investigation, petitioner would appear before the Illaqa Magistrate, who would then summon the Arresting Officer and direct him to join the petitioner in investigation, in terms of the order of this Court.

Adjourned to 20.04.2024.

Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and

the trial Court shall proceed without being prejudiced by observations of this Court. ”

[3] Learned State counsel upon instructions from Ins. Partap Singh has informed that pursuant to interim directions issued by this Court, the petitioner has since joined investigation and is not required for any custodial interrogation.

[4] Having regard to the aforestated position, wherein the petitioner is stated to have joined investigation and is not required for any custodial interrogation, the petition is accepted and the interim directions issued by this Court vide order dated 21.03.2024 are hereby made absolute subject to the condition that the petitioner shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

(GURVINDER SINGH GILL)
JUDGE

20.04.2024
'R. Sharma'

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No