



CRM-M-18496-2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-18496-2024

Date of Decision: 05.07.2024

Ajay Alias Chappar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: - Ms. Khushika Setia, Advocate for the petitioner

Mr. Neeraj Sheoran, Deputy Advocate General, Haryana
(assisted by SI Satender)

JAGMOHAN BANSAL, J. (ORAL)

1. On 16.04.2024, the following order was passed:-

“Prayer is for grant of anticipatory bail to the petitioner in criminal case having FIR No.48 dated 1.3.2024 registered under Sections 20 of NDPS Act at Police Station Kalka, District Panchkula.

Counsel for the petitioner submits that FIR in this case was registered against Robin from whom the police is stated to have recovered 1 kg 180 grams of ganja on 1.3.2024. It is further submitted that the petitioner is nominated as accused on the basis of the alleged disclosure statement made by co-accused/Robin and the same is not admissible in evidence and even otherwise, recovery alleged to be effected from co-accused comes under non-commercial quantity and thus, is not covered under stringent provisions of Section 37 of NDPS Act. Counsel for the petitioner further submits that no doubt, the



petitioner is involved in two other cases registered under NDPS Act but is already enlarged on bail in both the said cases. He further submits that the petitioner is ready to join investigation with the police. In support of his contentions, counsel for the petitioner relied upon Toofan Singh v. State of Tamil Nadu, AIR 2020 SC 5992.

Notice of motion.

Mr. Neeraj Sheoran, DAG, Haryana accepts notice on behalf of the State and on instructions from ASI Satinder Kumar submits that the petitioner was named as accused on the basis of the disclosure statement made by co-accused Robin from whom the police recovered noncommercial quantity of ganja weighing 1 kg 180 grams. It is further submitted that the petitioner is required by the police for proper investigation of the case.

The alleged disclosure statement made by co-accused Robin against the present petitioner will be tested during trial. Recovery of 1 kg 180 grams of ganja effected from co-accused Robin comes under noncommercial quantity and thus, rigors of Section 37 of NDPS Act are not applicable to the same at this stage.

In view of above, the petitioner is hereby directed to join the investigation with the police and in case of arrest, he is to be released on interim bail by the investigating officer/arresting officer to his own satisfaction till the next date fixed in this case. The petitioner is also to abide by the conditions envisaged under Section 438 (2) of Cr.P.C.

Now be listed on 5.7.2024.”

2. Learned State counsel, on instructions from SI Satender, submits that petitioner has joined investigation and no custodial interrogation is required.



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3. In view of above facts and circumstances, the petition is allowed and the interim bail granted to the petitioner vide order dated 16.04.2024 is made absolute subject to the conditions envisaged under Section 438(2) of Cr.P.C.

4. If the petitioner or his family members/associates make any attempt to threat/intimidate the witnesses in the present case, the State would be at liberty to move an application for cancellation of bail granted by this order.

5. Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and Trial Court shall proceed without being prejudiced by observations of this Court.

(JAGMOHAN BANSAL)
JUDGE

05.07.2024
Mohit Kumar

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>