

CRM-M-30005-2024
Date of Decision: 04.11.2024

Versus

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH

Mr. Karan Sharma, DAG, Haryana.

1. The instant petition that has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.158 dated 19.05.2024 under Sections 18 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Parao, District Ambala (Annexure P-1).
2. Vide order dated 03.07.2024 this Court had granted interim bail to the petitioner and directed him to join investigation. The same is reproduced as under:-

2. On the last date of hearing, learned State counsel was directed to place on record copy of the disclosure statement of co-accused Darshan Singh, on whose statement, the present petitioner has been implicated in the case. Pursuant to the said order, learned State counsel has filed Status-cum-Compliance Report, by way of affidavit of Rajat Gulia, HPS,

Deputy Superintendent of Police, Ambala Cantt, District Ambala, along with disclosure statement of co-accused Darshan Singh.

3. *As per version of the prosecution, when co-accused Darshan Singh was arrested, 195 grams of opium was recovered from his possession. He made disclosure statement that he had gone to the village of the petitioner and brought the said opium from him.*

4. *Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in the case. His name is nowhere mentioned in the FIR. There is no specific allegation against the petitioner. The police also raided the house of the petitioner but could not find anything to apprehend the petitioner. So, the petitioner deserves the concession of anticipatory bail.*

5. *Learned State counsel, while objecting to the averments made by learned counsel for the petitioner, has submitted that the investigation in the present case is still pending and interrogation of petitioner is very much necessary as his name has cropped up on the basis of disclosure statement made by co-accused Darshan Singh.*

6. *I have heard the submissions of learned counsel for the petitioner and learned State counsel.*

7. *It is not disputed that no recovery was effected from the present petitioner. The recovery of opium, which is not of commercial quantity, was effected from the possession of co-accused. There are mere call details between the petitioner and co-accused Darshan Singh but there is no conversation details.*

8. *The petitioner is directed to join investigation and fully co-operate with the Investigating Officer. In the event of his arrest, the petitioner is ordered to be released on interim bail, to the satisfaction of the Investigating Officer/Arresting Officer, subject to the following conditions :-*

“1. that the petitioner shall make himself available for interrogation by a police officer as and when required;

2. that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

3. that the petitioner shall not leave India without prior permission of the Court;

4. that the petitioner shall also submit his Passport to the Investigating Officer;

5. that the petitioner shall give affidavit regarding his mobile number to the Investigating Officer and shall not change his mobile number during pendency of the case.”

9. *List on 04.11.2024.”*

3. Learned State counsel submits that in compliance of order dated 03.07.2024 petitioner has joined investigation and he is not required for any custodial interrogation.
4. I have heard learned counsel for the parties.
5. In view of the fact that the petitioner has joined investigation and his custodial interrogation is not required, the order dated 03.07.2024 granting interim bail to the petitioner is made absolute. The petitioner shall abide by the conditions as laid down under Section 438(2) Cr.P.C. in letter and spirit.
6. Petition stands disposed of accordingly.

04.11.2024

Parveen kumar

(GURBIR SINGH)
JUDGE

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