



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

221

CRM-M-40715-2024

Date of decision: 25.11.2024

Dharam Pal

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. S. S. Dhillon, Advocate, for
Mr. D. S. Virk, Advocate, for the petitioner.

Ms. Trishanjali Sharma, DAG, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of anticipatory bail under Section 438 of the Cr.P.C. in case FIR No.224 dated 31.07.2024 under Sections 15/27-A and 29 of the NDPS Act, 1985, registered at Police Station Sadar Pehowa, District Kurukshetra.
2. On the last date of hearing, while noticing the following submissions made by the learned counsel for the petitioner, this Court had granted the concession of interim bail to the petitioner and asked him to join investigation:-

“Learned counsel inter alia contends that the petitioner was not present with both the co-accused Sumit and Deepak, from whom the alleged recovery of 54 kgs of poppy husk was affected. It has been further submitted that no doubt as per the version of the prosecution, a secret information had been received qua the involvement of the petitioner in drug trafficking, however, the petitioner being falsely arraigned as an accused in the present case is evident from the fact that he has no criminal antecedents; furthermore, it has been submitted that even the disclosure statement allegedly suffered by co-

accused, wherein it was claimed that the recovered contraband had been procured through the petitioner, has a very weak evidentiary value.

Learned State counsel, on instructions, has not controverted that the petitioner has no criminal antecedents and he was not present alongside co-accused Sumit and Deepak from whom recovery of 54 kilograms of poppy husk was allegedly affected.”

3. Learned counsel for the petitioner submits that in compliance of order dated 16.09.2024, the petitioner has joined investigation and cooperated with the investigating agency.
4. Learned State counsel, on instructions does not dispute the factum of the petitioner having joined investigation and cooperated with the investigating agency. He, on further instructions, submits that the petitioner is not required for further investigation much less for his custodial interrogation.
5. In view of the above, the present petition is allowed and interim order dated 16.09.2024, is made absolute subject to the conditions laid down in Section 438(2) of the Cr.P.C/482(2) BNSS.

25.11.2024.
anil

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No