

101

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.50155 of 2023

Date of decision : 12.01.2024

Neeraj Kumar

..... Petitioner

versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN

Present :- Mr. Arav Gupta, Advocate
for the petitioner.

Mr. Gaurav Bansal, DAG, Haryana.

PANKAJ JAIN, J. (ORAL)

1 The petitioner has prayed for grant of anticipatory bail in
FIR No.328 dated 30.08.2022 registered under Sections 22(c)-61-85 of
Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station
Bhawani Khera, District Bhiwani, Haryana.

2 On 05.10.2023, while issuing notice of motion the following
order was passed:-

“1. This petition under Section 438 Cr.P.C. is filed seeking
anticipatory bail in FIR mentioned below :-

FIR No.	Date	Police Station	Sections
328	30.8.2022	Bhawani Khera, District Bhiwani	22(c) of Narcotic Drugs and Psychotropic Substances Act, 1985

2. Brief facts of the case are that on 12.7.2022 the police party
acting upon the secret information apprehended Surrender and
recovered 1020 tablets containing Alprazolam salt from his
possession. The petitioner was named by the co-accused as

supplier of the recovered contraband.

3. Learned counsel for the petitioner submits that it is a case of false implication and he is not involved in any case under the Act. The petitioner was named in a disclosure statement which has no evidentiary value.

4. Learned counsel for the State appearing on advance notice opposes the prayer and submits that the co-accused has specifically named the petitioner and the recovery from the co-accused was of commercial quantity.

5. Without commenting on the merits of the case, having conspectus of the facts, considering the facts that the name of the petitioner surfaced in disclosure statement and the contraband recovered from the co-accused was of commercial quantity, the antecedents of the petitioner are clean, the petitioner is granted interim anticipatory bail subject to his joining investigation within a week. In the event of arrest, he shall be released on bail subject to his furnishing adequate bail bonds to the satisfaction of the Investigating Officer. He is directed to join the investigation as and when called for. He shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

6. List on 3.11.2023.”

3 Today, learned State counsel, on instructions from ASI Rakesh Kumar has stated that pursuant to the order dated 05.10.2023, the petitioner has joined investigation and is no longer required for custodial interrogation.

4 In view of above, the interim order dated 05.10.2023 passed by this Court is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.

5 This order should not be treated as "blanket" order. It will not be read granting petitioner indefinite protection from arrest. It shall be confined to the FIR mentioned *ibid* and will not operate in respect of any other incident that involves commission of an offence.

6 This order does not in any manner limit or restrict the rights

or duties of the police or investigating agency, to investigate into the charges against the petitioner.

7 The petitioner shall be deemed to be in custody for the purpose of Section 27 of the Evidence Act, 1872 in regard to a discovery of facts made in pursuance of information supplied by the petitioner in case the occasion arises.

8 It will be open to the police or the investigating agency to move this court for a direction under Section 439 (2) Cr.P.C. to arrest the accused, in the event of violation of any term, such as absconding, non-cooperating during investigation, evasion, intimidation or inducement to witnesses with a view to influence outcome of the investigation or trial.

9 Petition stands disposed off.

10 Needless to say that anything observed herein shall not be construed to be an opinion on the merits of the case.

12.01.2024
spn

(PANKAJ JAIN)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable :	No