

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CRM-M-59151-2024

Date of decision: 14.01.2025

ASHOK KUMAR AND ANR

....PETITIONERS

Versus

STATE OF HARYANA AND ANOTHER

....RESPONDENTS.

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

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

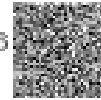
Mr. Surender Singh, AAG, Haryana.

SANJIV BERRY, J. (ORAL)

The instant petition under Section 482 of BNSS, 2023, has been preferred by the petitioners seeking grant of anticipatory bail to the petitioners in private complaint case bearing registration No.COMA-70-2019, titled 'State through DCO Versus Ashok Kumar and others' pending in the Court of learned Chief Judicial Magistrate, Sirsa, with complaint under Section 18 (a) (vi), 18 (C), 18-A, 28/27 (D), 28-A, 27 (B) (ii) of Drugs and Cosmetics Act, 1940.

2. From the perusal of the record, it transpires that the petitioners have been summoned in the complaint case bearing No. COMA-70-2019 titled 'State through Drugs Control Officer versus Ashok Kumar etc' and in pursuance to the interim order dated 12.12.2024, they have already joined the proceedings before the learned trial Court and their custodial interrogation is not required.

3. Learned counsel for the petitioners submits that in compliance to the order passed by this Court on 12.12.2024, the petitioners have



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appeared in the trial Court and furnished the requisite bail bonds. In support of his contention, he has placed on record copy of order dated 17.12.2024 passed by learned Judicial Magistrate Ist Class, Sirsa.

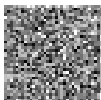
4. This aspect is not disputed by learned State counsel.
5. During the course of hearing on 12.12.2024, following order was passed:

“ Heard.

2. *It is, inter alia, contended by learned counsel for the petitioners that the petitioners are innocent and have been falsely implicated in this case. He contends that the alleged recovery pertains to the year 2017 regarding which an FIR No. 65 dated 26.07.2017 under Section 22(c) of the NDPS Act, was registered at Police Station Rori District Sirsa, against petitioner No. 1 qua which he has already faced the trial and stands acquitted vide order dated 02.02.2023, passed by learned Additional Sessions Judge, Sirsa (Haryana), in case CIS No. NDPS/160/2017, ‘State vs. Ashok Kumar’. He contends that qua some part of the alleged recovery, complaint, i.e. COMA-70-2019, titled ‘State through Drugs Control Officer vs. Ashok Kumar etc.,’ had been filed under the Drugs and Cosmetics Act, 1940, where in the petitioners had been summoned for 21.01.2025 vide order dated 29.10.2024 passed by learned Chief Judicial Magistrate, Sirsa. He contends that petitioner No. 1 has even been held not to be the owner of the said recovery, however, the petitioners are ready to face the trial and seeks anticipatory bail.*

3. *Notice of motion.*

4. *On the asking of the Court, Ms. Gaganpreet Kaur, DAG, Haryana, present in Court, accepts notice on behalf of*



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the State-respondent and prays for time to file the status report/reply in the matter.

5. *Adjourned to 14.01.2025.*

6. *Needful be done well before the date fixed with an advance copy to the counsel opposite.*

7. *In the meanwhile, the petitioners are directed to appear before the learned Trial Court/Duty Magistrate within 07 days and in that event, learned Trial Court/Duty Magistrate will admit the petitioners on interim bail subject to its satisfaction on his furnishing requisite bail/surety bonds.”*

6. Keeping in view the fact that the petitioners have already appeared in the Court and furnished their requisite bail/surety bonds consequent to the order dated 12.12.2024, passed by this Court, the present petition is allowed. The order dated 12.11.2024, passed by learned Additional Sessions Judge, Sirsa, is set aside and the interim bail granted vide order dated 12.12.2024 is hereby confirmed.

7. The petition stands allowed.

8. It is made clear that anything contained hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(SANJIV BERRY)
JUDGE

14.01.2025
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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |