

2025:PHHC:016827



214.

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

CRM-M-33879-2024

Date of decision: 05.02.2025

Hari Om

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Mohit, Advocate and
Mr. Pavitra, Advocate, for the petitioner.

Mr. Rajat Gautam, Addl. A.G., Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

The petitioner is seeking the concession of anticipatory bail, under Section 438 of Cr.P.C., in case FIR No.0354, dated 27.06.2023, under Sections 15(c), 27A (added lateron) of NDPS Act, 1985, registered at Police Station City Tohana, District Fatehabad.

On 01.08.2024, while noticing the following submissions made by 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 for the petitioner inter alia contends that he was not present along with the co-accused Himanshu, from whom a recovery of 57 kgs and 990 grams of poppy husk, which is just marginally higher than the minimum classified as

commercial under the NDPS Act, was affected. It has been submitted that the petitioner's false implication in the present case is evident from the fact that he has never been involved in any case under the NDPS Act. It has also been asserted by the learned counsel for the petitioner that the disclosure statement, on the basis of which the petitioner came to be nominated as an accused, has very weak evidentiary value. A prayer has, therefore, been made that in the aforesaid facts and circumstances, the petitioner be extended the concession anticipatory bail, more so when he is ready to join investigation and cooperate with the Investigating Agency."

Thereafter, vide order dated 04.12.2024, while noticing the following contentions of learned State counsel, this Court again directed the petitioner to appear before the Investigating Officer and cooperate with the Investigating Agency:-

"While drawing the attention of this Court to the averments made in the status report, learned State counsel has not disputed that all the money transactions were between the petitioner and co-accused Himanshu; it is undisputed that the petitioner has never been involved in any other case registered under the NDPS Act and lastly, the petitioner came to be nominated as an accused pursuant to a disclosure statement allegedly suffered by co-accused Himanshu from whom a recovery of 58 kgs (approximately) of poppy husk was affected. Learned State counsel has also apprised the Court that in compliance of order dated 01.08.2024, although the petitioner has joined the investigation but has not cooperated with the investigating agency."

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.

In view of the above, the petition is allowed and interim order dated 01.08.2024, is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C./482(2) of BNSS, 2023.

(MANJARI NEHRU KAUL)
JUDGE

February 05, 2025

sanjeev

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No