

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

Crl.Misc.No.M-19632 of 2015(O&M)

Date of Decision : 27.07.2015

Rajdeep @ Raja

....Petitioner

Versus

State of Haryana

...Respondent

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER

Present : Mr.B.S.Jattana, Advocate for the petitioner

Mr. Anmol Malik, AAG, Haryana

MAHESH GROVER, J.

The petitioner prays for grant of pre-arrest bail in terms of Section 438 Cr.P.C in case FIR no. 70 dated 21.3.2015 registered under Sections 15, 16, 61, 85 of NDPS Act at Police Station Kalianwali, District Sirsa.

It is contended by the learned counsel for the petitioner that petitioner was not apprehended at the spot and he had been identified by one Sh. Rajinder Singh, Head Constable, who was a member of the police party. Recovery was effected from the plastic bag hanging on the handle of motorcycle, which is not in the name of the petitioner, which has been weighed to be 1 kg 500 grams poppy husk. No recovery is to be effected now from the petitioner.

Noticing the aforesaid facts this Court had granted interim protection to the petitioner vide its order dated 11.6.2015 subject to the compliance of Section 438(2) Cr.P.C.

The petitioner has since joined investigation to the satisfaction

of the Investigating Officer which fact is not controverted by the learned State counsel on instructions from ASI Karambir Singh.

Thus, without commenting upon the merits of the case but noticing the fact that the petitioner has joined the investigation to the satisfaction of the Investigating Officer, instant petition is accepted. Interim directions dated 11.6.2015 are hereby made absolute, however subject to the condition that the petitioner continues to comply with the provisions of Section 438(2) Cr.P.C.

July 27, 2015
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(Mahesh Grover)
Judge