

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

**CRM-M No.15071 of 2016 (O&M)
Date of Decision : 12.08.2016**

Rajinder Petitioner

Versus

State of Haryana Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. N.S.Dhillon, Advocate for the petitioner.

Mr. Satish Saini, DAG, Haryana.

AJAY TEWARI, J. (Oral)

This is a petition for grant of pre-arrest bail to the petitioner under Section 438 Cr.P.C. in case FIR No.124 dated 20.04.2016 registered under Sections 3/4/5 of MTP Act, 1974 & Section 419/420 IPC at Police Station Kurukshetra University, Kurukshetra.

On 04.05.2016 the following order was passed:-

“Petitioner was allegedly caught selling drugs for abortion in a trap case.

Counsel for the petitioner submits that as a matter of fact the brother of the petitioner has already been arrested.

Petitioner was not present on the spot.

Notice to Advocate General, Haryana, for July 14, 2016.

Meanwhile, an interim direction is issued that the petitioner will join investigation on May 14, 2016 and June 11, 2016 or any other day as required by the investigating officer and in case of his doing so, he will be released on interim bail to the satisfaction of the arresting officer.”

Learned Deputy Advocate General, on instructions from S.I. Bhim Raj has accepted the fact that it was the brother of the petitioner who was impersonating as petitioner and MTP kits was sold without prescription. He has further stated that the petitioner has joined the investigation and is no more required for custodial interrogation.

Be that as it may, in these circumstances I do not deem it appropriate to deny anticipatory bail to the petitioner.

Resultantly, the petition is allowed. The interim order dated 04.05.2016 is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

Since the main case has been decided, the pending criminal miscellaneous application, if any, also stands disposed of.

12.08.2016

Pooja sharma-I

**(AJAY TEWARI)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No